Wednesday,
22nd August, 1956

LOK SABHA DEBATES

VOLUME VI, 1956

(13th August to 8th September, 1956

THIRTEENTH SESSION, 1956

LOK SABHA SECRETARIAT
NEW DELHI

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LOK SABHA

Wednesday, 22nd August, 1956

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

All India Educational Service

*1254. **Shri S. C. Samanta:** Will the Minister of **Education** be pleased to refer to the reply given to Starred Question No. 412 on the 2nd March, 1956 and state:

(a) whether the proposal to introduce an All-India Educational Service has since been finalised; and

(b) if not, the stage at which it stands at present?

The Deputy Minister of Education (Dr. K. L. Shrimali): (a) The proposal has not so far been finalised.

(b) The State Governments have been addressed to communicate their views in the matter. The replies from a majority of them are still awaited.

Shri S. C. Samanta: May I know when this service was discontinued and what were the reasons that were put forward for its discontinuance?

Dr. K. L. Shrimali: I think it was discontinued after the transfer of education to Provincial Governments after the year 1921. Recently the Government of India have initiated a large number of schemes and it is felt that the All India Services will considerably help in developing national policies and national programmes of education. The States Reorganisation Commission also had very strongly recommended the setting up of various kinds of All India Services. They had not specifically mentioned All India Educational Service. Considering all these facts, it has been felt that it would be very helpful to have this service.

Shri S. C. Samanta: In the last session the hon. Minister said that the opinions of the State Governments were asked for. May I know whether some of the State Governments have sent their opinions, and if so what are their reactions?

Dr. K. L. Shrimali: The reactions of most of the State Governments are not very favourable to the proposal.

Shri B. S. Murthy: May I know on what grounds the State Governments are opposing the all India cadre?

Dr. K. L. Shrimali: They have not mentioned any specific grounds. One State said that it did not consider it necessary at the moment. They simply said that they were not agreeable to the proposal.

Shri N. B. Chowdhury: May I know whether Government have prepared any estimate as to the number of IES officers who would be required during the Second Five Year Plan period?

Dr. K. L. Shrimali: This estimate would be prepared only after the proposal has been finalised. It is no good making estimates as long as the proposal itself is in the air.

Traffic Regulations in Delhi

*1255. **Shri Dabhi :** Will the Minister of **Home Affairs** be pleased to refer to the reply given to Starred Question No. 726 on the 15th March 1956 and state:

(a) when Government propose to introduce in Delhi some of the provisions of the Bombay Police Act, for taking effective steps against cyclists who violate traffic regulations; and

(b) what provisions of the Bombay Police Act are proposed to be introduced in Delhi?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) and (b). The proposal is still under consideration.

Shri Dabhi: May I know whether double and treble riding on cycles still continues?

Shri Datar: It is continuing. In view of that we want to expedite the introduction of the provisions of the Bombay Police Act as early as possible.

Shri Dabhi: May I know how many cyclists were found during the last four months violating the traffic regulations? How many of them were proceeded against and how many of them were convicted?

Shri Datar: All these figures were given to the hon. Member when he asked a question a few months back. I have got the same figures; I have not got up-to date figures.

Shri D. C. Sharma: May I know if these regulations governing cyclists are being modified or not, or whether they have been modified during the last year?

Shri Datar: Government are anxious to bring into operation very stringent rules for combating the offences committed by these cyclists. Their number is increasing. Therefore Government propose to introduce provisions of the Bombay Police Act for checking up all these irregularities.

Shri Matthen: May I know whether the hon. Minister knows that 99 per cent of the cyclists who travel in the night have no light whatever. This happens in front of the Police. Will you do something about it? It is very dangerous.

Shri Datar: I am not sure about 99 per cent. But I would agree that a very large percentage do. Government are anxious to check up all offences.

Shri Kasliwal: I understand that Government have recently introduced some more silence zones. May I know whether as a result of the creation of these silence zones, there has been an increase in the accident rate, so far as cyclists ar concerned?

Shri Datar: I am not aware of the exact position so far as this question is concerned.

Shri K. K. Basu: May I know whether the traffic regulations are confined to cyclists alone, or they apply to general traffic also?

Shri Datar: Naturally general traffic of which cycle is one.

Shri C. R. Iyyunni: May I know how many accidents have taken place because of the breach of the rules by the cyclists?

Shri Datar: I gave the figures to this House on a previous occasion and I also pointed out then that the incidence of accidents is far less in Delhi than in Bombay and Calcutta.

Shri Matthen: Has it improved now?

Shri Datar: Yes.

भारत का भाषा सम्बन्धी सर्वेक्षण

*१२५६. **श्री भक्त दर्शन :** क्या शिक्षा मंत्री ३० अप्रैल, १९५६ के तारांकित प्रश्न संख्या १८२६ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या तब से भारत के भाषा सम्बन्धी सर्वेक्षण की योजना के बारे में कोई अन्तिम निर्णय कर लिया गया है ;

(ख) यदि हां, तो क्या उसके वित्तीय पहलू इत्यादि और मोटी रूप रेखा का एक विवरण पटल पर रखा जायेगा ; और

(ग) यदि नहीं तो इस बीच उस दिशा में क्या प्रगति हुई है और कब तक अन्तिम निर्णय हो जाने की आशा है ?

शिक्षा उपमंत्री (डा० म० मो० दास): (क) हां, जी यह निश्चय किया गया है कि इसे द्वितीय पंचवर्षीय योजना में सम्मिलित नहीं किया जायेगा ।

(ख) तथा (ग). प्रश्न उत्पन्न नहीं होते ।

Shri B. S. Murthy: The answer may be given in English as well.

Mr. Speaker: The Deputy Minister may read the English version as well.

Dr. M. M. Das: (a) Yes Sir; it has been decided not to include it in the second Five Year Plan.

(b) and (c). Do not arise.

श्री भक्त दर्शन : क्या शिक्षा मंत्रालय तथा योजना आयोग इस विषय के महत्व को नहीं समझते और क्या इसी वजह से इसको टाला जा रहा है ?

Dr. M. M. Das: We referred this scheme to the Planning Commission and the Planning Commission were of the opinion that the time is not ripe when these elaborate schemes involving an expenditure of Rs. 161·7 lakhs could be taken up. They are of the opinion that this question can be taken up at the end of the Second Five Year Plan.

श्री भक्त दर्शन : पिछली बार माननीय मंत्री जी ने बतलाया था कि कोई २५ लाख रुपये की रकम इसके प्रारम्भिक सर्वेक्षण के लिये नियत की जा रही है । तो क्या यह

२५ लाख रुपये की रकम भी समाप्त कर दी गई है और क्या इस दिशा में कोई भी काम नहीं किया जा रहा है ?

Dr. M. M. Das: The Planning Commission proposed that during the next Five Year Plan Rs. 25 lakhs can be earmarked for helping the institutions and universities to carry out research and train students for carrying out this work. Now this matter I hope would be taken up by the University Grants Commission.

Shri B. S. Murthy: May I know when this linguistic survey is taken up, whether languages like Tulu which has no script would also be surveyed?

Dr. M. M. Das : This linguistic survey was taken up by one European gentleman Mr. Grierson, about fifty years ago. The Education Ministry proposed to take it up. But unless and until the details of the schemes are accepted and worked out. I am not in a position to reply to the hon. Member.

History of Freedom Movement

*1258. **Shri S. C. Samanta:** Will the Minister of **Education** be pleased to state:

(a) whether a copy of the thesis on the Indian War of Independence written by Mr. Kompantsev, a Soviet national, has since been received through our Embassy in Moscow;

(b) if so, how far it will help in writing the History of Freedom Movement in India; and

(c) whether any Soviet writer is likely to come to India to examine books and other documents on the subject?

The Deputy Minister of Education (Dr. M. M. Das): (a) No, Sir.

(b) Does not arise.

(c) We have no definite information.

I may inform the hon. Member that the Soviet Embassy in New Delhi told the Ministry of External Affairs on the 29th October 1955 that the Oriental Institute of the Academy of Sciences, USSR, was preparing a special publication devoted to the centenary of the all-India rising in 1857-59 and the Institute propose to send two scientific workers to India for a short period to study historical records maintained in some Indian libraries and to microfilm those records. We acceded to this; but up till now no scholar has been sent by the Russian Government.

Shri S. C. Samanta: May I know whether the thesis that was received through the Embassy belongs to this gentleman, Mr. Kompantsev, and whether he is the author of it?

Dr M. M. Das: We have up to now received nothing. We enquired from our Moscow Embassy about the thesis written by this Russian scholar Mr. Kompantsev. The Russian Government informed the External Affairs Ministry that this scholar is in Delhi and that he is attached to the USSR Embassy. Afterwards he told us that he would supply us a copy of the thesis, but he would take some more time as he has to go through the copy again and revise it.

Shri S. C. Samanta: May I know whether any enquiry made by our Embassy in U.S.S.R. If newspapers were collected or other papers were collected from India and then this thesis was written?

Dr. M. M. Das : How this thesis was written we do not know, and we have not made any enquiries, but we are going to have a copy of this thesis. There is also a proposal to translate this work into English.

Regional School of Printing, Delhi

*1259. **Shri Ram Krishan:** Will the Minister of **Education** be pleased to refer to the reply given to Starred Question No. 2009 on the 8th May, 1956 and state:

(a) whether the details of the Scheme for establishing a Regional School of Printing at Delhi have been finalised; and

(b) if not the reasons for the delay ?

The Deputy Minister of Education (Dr. M. M. Das): (a) and (b). The details of the scheme for the establishment of a Printing School in the Delhi Polytechnic are being prepared by the Planning Committee of the Institute.

As it is proposed to establish the School during the Second Five-Year Plan period, there is no delay in the matter.

Shri Ram Krishan: May I know whether such schools will be established in other parts of the country also?

Dr. M. M. Das: Yes. There was a question a few days back. We are going to establish such schools, and I think already three of them have been established—in Calcutta, Madras and in Bombay. Another will be established in Allahabad.

Shri K. K. Basu: Will this be an institute of an all-India standad ? Will the qualifications that will be acquired from learning here be coindered as those of an all-India instituteor just a local institute?

Dr. M. M. Das: We had no Central printing school as such, but the All India Council of Technical Education prepared a scheme for setting up certain schools. This school also will be set up according to that scheme, and so the qualifications will be of the same standard.

Shri B. S. Murthy: There are a number of schools of printing in various parts of India. May I know the difference of this school from the others that exist now?

Dr. M. M. Das: I can give the hon. Member the courses of this school, but I am not conversant with the courses that are laid down in the schools that have been set up by the State Governments.

Smuggling from and to Goa

*1260. **Shri Krishnacharya Joshi:** Will the Minister of **Finance** be pleased to state:

(a) whether it is a fact that the smuggling of essential goods to and from Goa is still going on inspite of the sealing of the border by Government; and

(b) if so, how many persons have been detected and arrested so far in this connection?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) Yes, Sir, it is true that on the Goa border some smuggling is still going on. But the information available with the Government indicates that such smuggling has considerably decreased since the sealing of the border.

(b) During the period upto 30th June 1956, 1680 persons were detected while smuggling goods but they were departmentally dealt with and no prosecution was launched.

Shri Krishnacharya Joshi: May I know what are the essential goods smuggled?

Shri A. C. Guha: Smuggling from India to Goa mostly consists of tea, tobacco, spices, cattle, jaggery and Indian currency. The goods smuggled into India from Goa mostly consist of liquor, betelnuts, gold and some luxury articles.

Shri Krishnacharya Joshi: May I know the names of the surrounding places in the Indian Union where smuggling takes place?

Shri A. C. Guha: I cannot understand the question or what is meant by 'surrounding places'.

Mr. Speaker: 'Surrounding places' means all the surrounding areas.

Shri A. C. Guha: Including the sea.

Award of Contracts

*1262. **Shri Gidwani:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether any fresh directive has been issued by the Government of India to its officers in regard to the awarding of contracts to firms in which their sons, daughters and other dependents are employed; and

(b) if so the nature of the directive?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) Yes.

(b) A copy of the instructions is placed on the Table of the House. [*See* Appendix VII, annexure No. 46].

Shri Gidwani: May I know the reasons for issuing a fresh directive?

Shri Datar: It is by way of abundant caution that there should be no suspicion even that any act that is being done properly may not be suspected to be done improperly.

Shri Gidwani: Were there any violations of this previously?

Shri Datar: There were no violations as such, but in every case permission was sought for.

Shri Gidwani: May I enquire whether sons-in-law are covered by this directive?

Shri Datar: We have used the word "dependent" also, which will include sons-in-law. May I read to the hon. Member from the Office Memorandum—

"in which a son, daughter or a dependent of an officer is employed....."

A son-in-law may not necessarily be called a dependent unless he is staying as a *garjamai*.

Shri K. K. Basu: Are we to understand that the cases of those sons-in-law who do not stay with their fathers-in-law are not covered by this prohibitory order?

Shri Datar: It depends upon interpretation. If in a particular case it is found that there is more than ordinarily direct relationship between a father-in-law and a son-in-law or daughter, that factor will be taken into account.

Shri Velayudhan: *rose*—

Mr. Speaker: Has the hon. Member a son-in-law?

Shri Velayudhan: I have a son. May I know from this whether the firms in which an officer's sons or grandsons or a Minister's sons or sons-in-law who are

working as liaison officers, and, technically speaking, who are not receiving any salaries from the firms, will be affected by this order?

Shri Datar: Whenever such cases arise, Government will surely consider whether the spirit of these rules applies.

उत्तर प्रदेश और बिहार के बीच सीमा निश्चित करना

*१२६३. **श्री रा० न० सिंह :** क्या गृह-कार्य मंत्री यह बतलाने की कृपा करेंगे कि :

(क) क्या २३ अगस्त, १९५२ को बिहार और उत्तर प्रदेश के प्रतिनिधियों की एक बैठक में उत्तर प्रदेश और बिहार के बीच सीमा रेखा निश्चित किये जाने के सम्बन्ध में कोई निश्चय किया गया ;

(ख) क्या यह सच है कि उत्तर प्रदेश और बिहार की राज्य सरकारों ने उक्त सीमा निश्चित किये जाने के लिये केन्द्रीय सरकार को लिखा था ; और

(ग) यदि हां, तो भारत सरकार ने इस सम्बन्ध में अब तक क्या कार्यवाही की है ?

गृह-कार्य मंत्रालय में मंत्री (श्री दातार) : (क) तथा (ख). जी, हां ।

(ग) यह प्रश्न विचाराधीन है ।

श्री रा० न० सिंह : क्या मैं जान सकता हूं कि इस कमेटी का चेयरमैन कौन था तथा कौन कौन से इसके मेम्बर थे ?

श्री दातार : यह किसी समिति की स्थापना का प्रश्न नहीं है । बाढ़ आ जाने के कारण नदी ने जो प्रवाह चेंज किया है, यह उसके बारे में प्रश्न है ।

श्री रा० न० सिंह : यह प्रश्न कब से विचाराधीन है और कब तक विचाराधीन रहेगा ?

श्री दातार : यह प्रश्न १९५२ से विचाराधीन है और थोड़े ही महीनों में इसका फैसला हो जायेगा ।

डा० राम सुभग सिंह : क्या इस प्रश्न पर विचार करते समय केवल गंगा नदी के प्रवाह के इधर उधर होने वाली जमीन पर ही ध्यान दिया जायेगा या कर्मनाशा नदी के क्षेत्रों पर भी विचार किया जायेगा ?

Shri Datar: The Government would take a number of circumstances into account. There are two rivers whose courses are changing, and that is the reason why it has become necessary to find out the wishes of the people, and then the whole matter will be finally decided.

Dr. Ram Subhag Singh: This matter is before the Government since 1950 and a committee was appointed, but as yet no decision has been arrived at. May I know how the wishes of the people will be ascertained, and whether the area which lies towards the east of Karmnasa river will also be taken into consideration?

Shri Datar: May I point out to the hon. Member that this need not be considered as a boundary dispute at all? It is a question of the proper settlement of boundaries consequent on the natural diversion of the floods or currents of certain rivers. Till recently this question was under consideration between the U.P. and Bihar Governments. It is only now that they have requested the good offices of the Government of India for finding out the manner in which this question can be solved. Government would be sending an officer to find out what the position is, and then would give their recommendations or advice to the State Governments, and they would finally settle the matter.

Dr. Ram Subhag Singh: In view of the large number of murders which are taking place on both sides of this river, may I know whether the Government will expedite this matter and direct the two State Governments concerned to finalise the matter immediately?

Shri Datar: So far as the Government of India are concerned, they are always ready to help the State Governments, and the matter is likely to be expedited. The position has to be reconsidered in view of the decisions taken by the then Governments in 1888. To what extent a change is necessary is the point under consideration.

श्री रा० ना० सिंह : जिस प्रान्त में रेवेन्यू वसूल होता है, उसके अन्दर आने वाले क्षेत्रों में होने वाले फौजदारी मामलों को क्या उसी प्रान्त में देखे जाने के लिये सरकार कोई प्रबन्ध करेगी ?

Shri Datar: The question of jurisdiction of courts will also be taken into account.

Official Language Commission

*1265. **Shri D. C. Sharma** : Will the Minister of **Home Affairs** be pleased to refer to the reply given to Starred Question No. 82 on the 18th July, 1956 and state:

(a) whether the Language Commission has submitted its report; and

(b) if so, its main recommendations?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) and (b). Yes. The Report of the Commission has been received and is under consideration.

Shri D. C. Sharma: May I know if the Report is unanimous or are there any minutes of dissent and, if so, how many ?

Shri Datar: At this stage I would not like to give any further information. The hon. Member will kindly wait for only a short time.

Shri D. C. Sharma: What is the way of dealing with this Report? May I know whether the recommendations of the Report will be considered as such by the Central Government or they will be sent to the State Governments for their comments and then considered by the Central Government?

Shri Datar: There are two methods, perhaps alternative methods, of dealing with this question: one is to refer the Report to a parliamentary committee to be set up under the provisions of article 344(4) of the Constitution, and the second one is to publish the Report just now and then to refer the matter to the parliamentary committee. The Government are considering these matters.

Shri D. C. Sharma: May I know when this Report will be published and placed on the Table of the House?

Shri Datar : At as early a date as possible.

सेठ गोविंद दास : अभी मंत्री जी ने कहा है कि इस रिपोर्ट के सम्बन्ध में दो प्रकार से विचार किया जा सकता है—वह पहले प्रकाशित कर दी जाय और फिर उसके बारे में संसद् की एक कमेटी बनाई जाय या पहले एक कमेटी बना दी जाय और फिर उसको प्रकाशित किया जाय। जहां तक लोक सभा का ताल्लुक है, उसके चुनाव बहुत जल्दी होने वाले हैं और अब उसका सिर्फ एक ही अधिवेशन नवम्बर में होगा। क्या इस बात की आशा की जा सकती है कि वह रिपोर्ट जल्दी से जल्दी प्रकाशित कर दी जाय और इसी अधिवेशन में संसद की एक कमेटी बना दी जाय, जिससे अगले अधिवेशन में कमेटी की रिपोर्ट पर विचार किया जा सके ?

श्री दातार : गवर्नमेंट इस प्रश्न के दोनों विकल्पों पर विचार कर रही है।

सेठ गोविंद दास : मेरा प्रश्न यह है कि क्या आशा की जा सकती है कि इस रिपोर्ट के ऊपर जो कमेटी बनने वाली है, वह इसी अधिवेशन में बन जाय, जिससे अगले अधिवेशन में कमेटी की रिपोर्ट पर विचार किया जा सके।

श्री दातार : ज्यादा से ज्यादा जल्दी इस पार्लियामेंटरी कमेटी की नियुक्ति की जायगी।

श्री म० ला० द्विवेदी : जब इस प्रतिवेदन को कमेटी के सम्मुख रखा जाना है, तो अब सरकार कौन कौन सी बातों पर विचार कर रही है ?

Shri Datar: I have said already that the Government are considering whether the Report should be placed on the Table of the House just now or whether the Report should be submitted to a parliamentary Committee to be set up and then the Report and the recommendations of that committee together to be placed on the Table of the House. That is exactly the matter which is under consideration.

Shri Boovaraghasamy: May I know the names of the States whose Members have objected to Hindi being made as the official language?

Shri Datar: I cannot answer indirectly what I am not going to answer directly.

Shri Kamath: Is it a fact that the Government have deputed certain officers to the Soviet Union in this connection, particularly in order to study the working of the Russian language as the official language of that big composite State, and if so who have been deputed?

Shri Datar: It is a question of the past and not now.

Shri Velayudhan: No, no; now.

Shri Datar: I believe that the Commission themselves had sent their Secretary to Russia. He has returned already.

Shrimati Tarkeshwari Sinha: Just now the hon. Minister said that the Report will be published. May I know, whether in view of the fact that the Commission went round the country and took evidences whether those evidences will also be published along with the Report?

Shri Datar: The whole thing would be considered—the report and, if necessary, the evidence also. The whole matter is under consideration.

सेठ गोविंद दास : अध्यक्ष जी, मेरे एक प्रश्न का उत्तर अब तब नहीं मिला है। मैं यह जानना चाहता था कि संविधान के नियम के अनुसार इस रिपोर्ट पर विचार करने के लिए सिंगल ट्रांस्फ़रेबल वोट से जो कमटी चुनी जायगी, क्या इस अधिवेशन में वह कमेटी बनाई जाने की आशा है जिससे उस कमेटी की रिपोर्ट लोक सभा के अगले अधिवेशन में आ जाय।

श्री दातार : मैं इस बारे में इतना ही कह सकता हूं कि जल्दी से जल्दी यह कमेटी नियुक्त की जायगी।

History of Freedom Movement

*1267. **Shri Madiah Gowda:** Will the Minister of **Education** be pleased to state:

(a) the progress so far made in the collection of materials for the History of the Freedom Movement; and

(b) the amount so far spent for that purpise (with the chief break up of the expenditure)?

The Deputy Minister of Education (Dr. M. M. Das): (a) Almost all the materials dealing with the first phase upto 1884 have been collected and catalogued. Collection of materials upto 1919 which is going on is expected to be complete by September 1956 and the material for the third phase *i.e.* upto 1947 by December, 1956.

(b) (i) Establishment (including pay of officers & establishment) . Rs. 2,72,150/10/-

(ii) Allowances, etc. & office expenditure . . Rs. 97,158/14/6

(iii) Collection of materials. . Rs. 35,247/11/9

TOTAL . Rs. 4,04,557/4/3

Shri Madiah Gowda: May I know whether arrangements have also been made to get the material from the various States and if so, may I know which is the agency employed and how the material is being collected?

Dr. M. M. Das: The Board of Editors, when they came into existence, themselves requested the different State Governments to set up State Committees to help the Central Board. Now nearly all the State Governments, with the exception of, most probably, Tripura, have established these State Committees. When the Board was dissolved the Government of India requested the provincial Governments to continue these State committees and they are still continuing their work.

Shri Madiah Gowda: What is the estimated cost of the History of Freedom Movement....

Mr. Speaker: I am calling Shri Jaipal Singh.

Shri Jaipal Singh: In regard to part (a) of the question, may I know whether all the material in the connection of the children of the first President of the Indian National Congress, Shri W. C. Bonnerjee, has been available to the Government?

Dr. M. M. Das: The materials that have been collected run to thousands of pages. I am not in a position to give information about a particular point.

Shri K. K. Basu: Have any person been authorised to write up the first part which has been compiled and if so, may I know the name of that gentleman?

Dr. M. M. Das: The question of writing the history will be taken up when all the materials have been collected.

Shri K. K. Basu: Of all the parts.

सेठ गोविन्द दास : अभी मंत्री जी ने यह कहा कि इस सम्बन्ध में सामग्री एकत्रित की जा रही है । मैं यह जानना चाहता हूं कि पूरी सामग्री—देश के स्वतन्त्र होने तक की सामग्री—कब तक इकट्ठी होने की आशा है और इस पुस्तक के कब तक प्रकाशित हो जाने की आशा की जा सकती है ।

Dr. M. M. Das: Sir, I have said that the whole period, beginning from the earliest occupation of the Btitish to the year 1947, has been divided into three phases; the first phase from the earliest occupation of the British to the year 1884—the birth of the Indian National Congress; the second phase from 1885 to 1919—till the advent of Gandhiji into this field, and the third phase from the year 1919 to 1947 when we achieved our independence. Now, so far as the collection of materials of the first phase is concerned, we have already completed that. Still one or two informations are coming from the States but, generally, we can say that we have completed the collection of materials of the first phase. So far as the second phase is concerned, we hope to complete the collection of material by the end of September next. The third phase, Sir, we hope to complete by the end of this year, that is, 31st December, 1956.

Seth Govind Das: What about publication?

Dr. M. M. Das: After the complete collection of meterials the Government will take up the question of writing the history.

Seth Govind Das: By what time?

Dr. M. M. Das: At the end.

Shri Madiah Gowda: May I know in what language the history will be written first and when the printing will commence?

Dr. M. M. Das: So far I know, and I speak subject to correction, the history will be written in English first.

सेठ गोविन्द दास : और वह हिन्दी में कब तक प्रकाशित की जायगी ।

Dr. M. M. Das: I may assure the hon. Member that the history of Freedom Mo ement is a very important thing and it will be translated later on I hope, not only in Hindi but in all the other regional languages. The whole country is interested in it.

सेठ गोविन्द दास : मूल तो हिन्दी में होनी चाहिये ।

निर्वाचक नामावलियां

*१२६६. **श्री प० ला० बाकपाल :** क्या विधि मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार को मालूम है कि भारत में जो निर्वाचक नामावलियां बनी हुई हैं उन में बहुत सी अशुद्धियां हैं जैसे कि पति का नाम पुत्र के स्थान पर दिखाया गया है और इसी प्रकार स्त्री का नाम माता के स्थान पर ; और नामों में भी बहुत सी अशुद्धियां हैं ;

(ख) आगामी सामान्य निर्वाचनों में निर्वाचक नामावलियों में संशोधन करने के लिये सरकार क्या कार्यवाही करना चाहती है ; और

(ग) क्या यह सच है कि नये नामों का दर्ज करने और वर्तमान नामावलियों में संशोधन करने के लिये मतदाताओं को पदाधिकारियों द्वारा सरकारी दफ्तरों में बुलाया जाता है जिसके परिणामस्वरूप उन्हें आर्थिक हानि होती है और उनका समय भी नष्ट हो जाता है ?

विधि तथा अल्पसंख्यक कार्य मंत्री (श्री विश्वास) : (क) जहां तहां इस प्रकार की चन्द एक भूलें जरूर हो गई हैं, किन्तु यह कहना कि ऐसी अशुद्धियां बहुत बड़ी संख्या में की गई हैं ठीक नहीं है ;

(ख) निर्वाचन आयोग यह सुनिश्चित करने के लिये कि इस वर्ष निर्वाचन नामावलियां ठीक तरह से तैयार की जा रही हैं, विशेष कार्यवाही कर चुका है, विशेषतया इसलिये जब कि आगामी साधारण निर्वाचन इन्हीं नामावलियों के आधार पर होगा,

इस बारे में जो महत्वपूर्ण कार्यवाहियां की जा चुकी हैं, उन में से कुछेक इस प्रकार हैं :—

निर्वाचन नामावलियों के विस्तारपूर्वक दोहराने के लिये एक सामान्य स्कीम अपनाई गई थी जिस के अनुसार प्रत्येक राज्य में पांच वर्ष की अवधि के दौरान में हर एक निर्वाचन क्षेत्र की नामावलि प्रत्येक के घर जा कर कम से कम एक बार विस्तारपूर्वक दोहराई जा चुकी है । इसके अलावा इस बात का ध्यान रखते हुये कि लोग दावों और आपत्तियों की खानापुरी किये बिना ही अपने आप को मतदाताओं के रूप में दर्ज करा सकें अनौपचारिक रूप में निर्वाचन नियम १९५३ प्रकाशित किये गये थे, ताकि पात्रव्यक्ति जिनके नाम दर्ज नहीं थे, वह इन लुप्तियों (चूकों) की ज़रूरी तसदीक करने के पश्चात् मसौदा निर्वाचन नामावलि में दर्ज कराने के लिये निर्वाचन रजिस्ट्रेशन पदाधिकारी को सूचना दे सकें । दावे और आपत्तियां दर्ज कराने की नियत कालावधि २ से ३ सप्ताह तक जितनी कि सम्भव हो सकती थी, बढ़ाई जा चुकी है । फिर भी जहां तक संभव है, निर्वाचन नामावलियां तैयार करने के लिये राजनीतिक दलों की सहायता मांगी और इस्तेमाल की जा चुकी है ।

(ग) जिस बात की ओर निर्देश किया गया है वह स्पष्टतः उन व्यक्तियों के, जिन्होंने दावे और आपत्तियां फाइल की हैं, पुनरीक्षक प्राधिकारियों के सामने उपस्थित होने के सम्बन्ध में है । ऐसे व्यक्तियों को जब कभी पुनरीक्षक प्राधिकारी ऐसी उपस्थिति आवश्यक समझते हैं, उनके सामने आवश्यक रूप से उपस्थित होना पड़ता है । पुनरीक्षक प्राधिकारी प्रायः न्यायिक, पदाधिकारी या वरिष्ठ कार्यपालक पदाधिकारी हैं जो अन्य कर्तव्यों के अतिरिक्त पुनरीक्षक प्राधिकारियों के कर्तव्य पूरे करते हैं । इस लिये ऐसे दावों और आपत्तियों को निपटाने के लिये ऐसे प्राधिकारियों का प्रत्येक घर पर जाना, अन्य कर्तव्यों पर प्रतिकूल प्रभाव डाले बिना व्यावहारिक नहीं है । निचले स्तर के पदाधिकारियों को यह महत्वपूर्ण कार्य नहीं सौंपा जा सकता ।

Shri Kamath: Has the Minister's attention been drawn to the statement made by the Chief Election Commissioner, Shri Sukumar Sen, recently at Chandigarh that he has convened a conference of all political parties in the capital, to be held on the 30th August and, if so, may I know whether this important matter of electoral rolls also will be a subject for discussion at that conference?

Shri Biswas: I have seen that statement, but I do not know what exactly the Election Commissioner is going to do because I have not made any enquiries on this specific point. But I assume that the Election Commission is always anxious to solicit the help and assistance of all important political parties in every matter.

Shri Jaipal Singh: In view of the fact that on the previous occasion some Members of Parliament were left out, will the Government see to it that no Member of Parliament is left out this time?

Shri Biswas: Government will see to it that as far as possible no one—whether one is a Member of Parliament or not—is left out.

Mr. Speaker: Are we to understand that nobody's name will be there?

Shri Kasliwal: In view of the fact that these electoral rolls are prepared every year and some of the old electoral rolls have been questioned before some tribunals and in view of the fact that the tribunals have said thet only the latest and current electoral rolls are the valid ones, may I know whether the Government have issued any instructions to the electoral officers to cancel the previous electoral rolls and keep only the current electoral rolls as valid?

Shri Biswas: Whenever a new electoral roll is prepared, that is the roll in force, and the previous rolls are automatically cancelled.

Shrimati A. Kale: At the time of the last elections, lakhs of women voters in Bihar were left out on account of the mistake of recording their names wrongly; may I know what has happend to them

now and may I know whether they will be enrolled as voters this time at least?

Shri Biswas: I could not follow the question.

Mr. Speaker: It appears that a number of women have been left out in Bihar last time. The hon. Member wants to know whether any steps have been taken to include their names this year.

Shri Biswas: Names may have been left out not only in Bihar but in other parts of the country also. But wherever the Government's attention is drawn to these omissions, steps are taken, in accordance with the rules, to remove those defects.

Several Hon. Members *rose—*

Mr. Speaker: The hon. Members are of course interested in the proper preparation of the electoral rolls. Therefore, I would suggest to the hon. Members that if they have got any special suggestions or if they come across any difficulties or irregularities, they may send their notes to the hon. Minister of Law. I am sure that the hon. Minister will ask the Election Commission to take proper account of all those representations.

Travancore-Cochin University Teachers

*1270. **Shri Matthen:** Will the Minister of **Education** be pleased to state the reasons why the proposals of the University Grants Commission for revision of pay scales of the Travancore-Cochin University Teachers have not been implemented yet?

The Deputy Minister of Education (Dr. K. L. Shrimali): The matter is still under cinsideration of the Government of Travancore-Cochin.

Shri Matthen: The hon. Deputy Minister said that in the course of the debate on the Travancore-Cochin budget that early steps will be taken to implement these proposals. May I know what steps has he taken and what are the stumbling-blocks?

Dr. K. L. Shrimali: The Government have already taken certain steps. We have written to all the State Governments and the Universities to implement the revised pay-scales. As far as the Central Universities are concerned, the pay-scales in Aligarh, Banaras and Delhi are already being implemented with effect from 1-4-56. The Universities of Madras, Karnataka and Rajputana have written to us that they are in a position to introduce the approved salary scales as they have agreed to meet 20 per cent of the cost involved.

Mr. Speaker: The hon. Member referred to Travancore-Cochin.

Dr. K. L. Shrimali: With regard to Travancore-Cochin, the position is that the Government has certain difficulties in taking immediate steps to implement the revised pay-scales. They have written to us that the proposed revised pay-scales will affect the whole pay-structure of the Government services and that they have to examine the financial effect of these proposals on the exchequer of the whole State. It is with that view that they are still considering the proposals. They have not come to any final decision.

Shri Matthen: In view of the fact that the Travancore University teachers are getting the lowest pay and that all the other Universities have already got the benefit of this scheme, will the Minister see that this scheme is implemented by the Travancore-Cochin State as soon as possible?

Dr. K. L. Shrimali: The University Grants Commission are most anxious that the proposals about the revised pay-scales should be implemented all over the country and so, we shall make every effort that is possible. But the State Governments may have certain difficulties which we have to understand.

Shri Velayudhan: Having heard the Minister say that there is some financial difficulty in the way of implementing the scheme, may I know whether it is a fact that the University Grants Commission has not come to the assistance of the State Governments in implementing the scheme and whether the University teachers have demanded an interim pay-scale to be introduced immediately?

Dr. K. L. Shrimali: The University Grants Commission has already written to the State Governments and the Universities that they will bear 80 per cent of the increased expenditure provided that the State Governments and the Universities are willing to come forward and meet the balance of 20 per cent of the increased expenditure. It is now for the State Governments and the Universities to find their share of the expenditure.

Shri Punnoose: Can we have some idea of the pay-scales received by the Travancore University teachers as compared to the salary received by teachers in other Universities?

Dr. K. L. Shrimali: That will be a long list. I need notice to answer that question.

Mr. Speaker: If the hon. Member wants to have such information, he may write to the Minister and get those figures.

Shri Achuthan: The hon. Minister has said that the Travancore-Cochin Government is considering the matter. May I know whether the same plea was advanced by other States before introducing those pay scales or whether the T. C. Government alone has brought forth this plea?

Dr. K. L. Shrimali: The replies vary from State to State. Certain universities have already implemented the proposals and certain States are considering the matter. The T. C. Government have replied that they have certain special difficulties.

Shri Matthen: May I know whether the hon. Deputy Minister is aware of the fact that the last Congress Government in Travancore-Cochin had decided to implement it from April this year, and if so, will he ask the President's rule to do it immediately?

Dr. K. L. Shrimali: As I said I am most sympathetic with the demands of the university teachers. The Government of India and the University Grants Commission are doing every-thing that is possible, but the hon. M mber has to realise that the local Government has cer tain difficulties.

Smuggled Gold and Jewelleries

*1271. **Shri Debendra Nath Sarma:** Will the Minister of **Finance** be pleased to state:

(a) whether it is a fact that some houses and offices were raided by the customs and police officers on the 4th July, 1956 in search of smuggled gold, jewelleries etc.; and

(b) if so, whether any smuggled commodities or jewelleries have been seized?

The Minister of Revenue and Defence Expenditure (Shri A.C. Guha): (a) and (b). Some premises were searched by officers of the Customs and Income-tax Departments on the 4th July. But I cannot say that it was specifically in search of smuggled gold, jewelleries etc. A large quantity of valuables and some documents have been seized.

Shri Debendra Nath Sarma: May I know the names of the places which were raided?

Shri A. C. Guha: One house in Harrison Road and another house in Cornwallis Street were raided.

Shri Debendra Nath Sarma: May I know whether any action was taken?

Shri A. C. Guha: A large quantity of valuables and some documents were seized. These are to be examined and then action has to be taken.

Shri N. B. Chowdhury: May I know whether the house of Messrs. Soorajmall and Nagarmall was one of the places which were raided?

Shri A. C. Guha: I have stated that two houses—one Harrison Road and another in Cornwallis Street—were searched; those houses must belong to somebody.

Shri K. K. Basu: The hon. Minister said that some smuggled goods and documents were seized. May I know whether the persons concerned have been arrested, as they are likly to tamper with the further evidence that is necessary to launch a prosecution in future?

Shri A. C. Guha: All the necessary documents have been seized and removed from those houses. So, there is no question of tampering with the evidence. No person can be arrested till some congizable offence is proved.

Shri Debendra Nath Sarma: May I know whether opium was also found there?

Shri A. C. Guha: I do not think anything like that was found.

Oil Exploration

*1272. **Shri Raghunath Singh:** Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) whether the Government of Canada has invited the Minister and experts from India to visit Canada for a study of the latest oil exploration methods there; and

(b) if so, whether Government have accepted the invitation?

The Minister of Natural Resources (Shri K. D. Malaviya): (a) and (b). Yes, Sir. The matter is under consideration but the object is not so much to study the oil exploration method as to see the work and organisation of oil and mineral development programme and to exchange views on various problems in volved in oil technology.

Shri Raghunath Singh: May I know when he will visit Canada?

Dr. K. D. Malaviya: The matter is still under consideration.

Shri K. P. Tripathi: May I know whether the experts will be selected from foreign nationals or Indian nationals?

Shri K. D. Malaviya: Experts for what?

Shri K. P. Tripathi: Experts on oil whom you are going to send. The Minister as well as some experts are going.

Shri K. D. Malaviya: The matter that is being considered by the Government is to send some of the officials and technicians of the Ministry of N. R. & S. R., who will be Indians and not foreigners, along with the Minister to examine all these things.

Shri Velayudhan: May I know whether we have got any oil exploration experts from Rumania and Soviet Union?

Shri K. D. Malaviya: What has that to do with this question?

Mr. Speaker: This relates to Canada.

Shri Velayudhan: I want to know whether we have got in India oil exploration experts from any other country like Rumania.

Shri K. D. Malaviya: There are many foreigners belonging to other countries examining the conditions of oil and giving their advice in their own way—Americans, Canadians, Rumanians and also Russians.

Safe Deposit Vaults

*1274. **Thakur Jugal Kishore Sinha:** Will the Minister of **Finance** be pleased to lay a statement showing:

(a) the names of the places and companies which maintain safe deposit vaults at present; and

(b) the places where the safe deposit vaults are located?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) and (b). The Reserve Bank of India does not receive any periodical reports in respect of safe deposit vaults maintained by the banks. However, two statements showing the required information as on the 30th September, 1953, in respect of (i) commercial banks and (ii) co-operative banks, on the basis of data last collected by the Reserve Bank of India are laid on the Table of the Lok Sabha. [*See* Appendix VII, annexure No. 47]. As regards non-banking companies, no information relating to safe deposit vaults maintained by them is readily available.

ठाकुर युगल किशोर सिंह : क्या इनकमटैक्स के अधिकारियों द्वारा इस तरह की डिपाजिट्स की जांच करने का अधिकार है ?

Shri A. C. Guha: I have not understood the question.

Mr Speaker: Is there any proposal to get this done through the income-tax officers?

ठाकुर युगल किशोर सिंह : जो लोग इनकमटैक्स से बचने के लिये सेफ डिपाजिट्स में अपना रुपया रखते हैं तो क्या इनकमटैक्स अधिकारियों द्वारा इस तरह की डिपाजिट्स की जांच करने की कोई व्यवस्था है या होने वाली है.?

Shri A. C. Guha: I do not think there has been any report as yet that safety deposit vaults are being used for evading income-tax. The income-tax officials surely take cognizance of this.

Shri K. K. Basu: May I know what happened to the proposal of having a law or regulation to control the establishment of safety deposit vaults?

Shri A. C. Guha: Sometime back I informed this House that we examined this matter thoroughly and it was not found necessary to have any law in regard to this matter.

Primary Education

*1275. **Shri N. B. Chowdhury:** Will the Minister of **Education** be pleased to refer to the reply given to Starred Question No. 304 on the 26th July, 1956 and lay a statement on the Table giving the names of the particular Committees or surveys undertaken concerning Primary Education?

The Deputy Minister of Education (Dr. K. L. Shrimali): A statement is laid on the Table of the Lok Sabha. [*See* Appendix VII, annexure No. 48].

Shri N. B Chowdhury: I find that five committees went into this question since 1938. May I know whether as a result of the findings of these committees and the surveys, Government have prepared any comprehensive blue-print on re-orientation of primary education and expansion of facilities?

Dr. K. L. Shrimali: A comprehensie blue-print can be found only in our Five Year Plans, as far as primary education is concerned.

Shri N. B. Chowdhury: May I know whether Government have prepared any estimate as to the amount the Government would have to spend in case they want to implement the provisions of article 45 of the Constitution relating to the introduction of universal free and compulsory education during the period laid down in the Constitution?

Dr. K. L. Shrimali: The difficulty is this. Estimates have been made from time to time. For instance, the Committee on Ways and Means of Financing

Educational Development in India went into the financial aspect. The Sargent Committee also went mto the whole financial question; but the estimates differ from time to time. The latest estimates can only be found in our next Five Year Plan.

Shri Velayudhan: More than five different committees were appointed on primary education. Is it because of the financial difficulty alone in introducing primary education that these committees were appointed?

Dr. K. L. Shrimali: These committees went into the various aspects of the question. As problems arise, the Government of India have to survey the position from time to time and try to tackle the question. The last committee appointed was the Assessment Committee on Basic Education which went into the whole question of the progress of basic education and submitted its report. So, these committees have dealt with various aspects of primary education from time to time.

Shri N. B. Chowdhury: May I know whether Government propose to establish another committee or commission to prepare the estimate regarding the expenditure for the introduction of universal compulsory education as laid down in the Constitution and also regarding the conditions of service of the primary school teachers?

Dr. K. L. Shrimali: The Government have no proposal to set up any committee or commission in the near future. The main question before the Government is to implement the proposals and the recommendations which have been made by the various committees and commissions.

Physical Education

*1278. **Dr. Ram Subhag Singh:** Will the Minister of **Education** be pleased to refer to the reply given to Unstarred Question No. 1751 on the 3rd May, 1956 and state:

(a) whether Government have since taken any decision regarding development of physical education in the country during the Second Five Year Plan period; and

(b) if so, the details thereof?

The Deputy Minister of Education (Dr. K. L. Shrimali): (a) and (b). A Sub-Committee has been set up to formulate detailed programme for the development of Physical Education under the Second Five Year Plan and its report is expected in September next.

सेठ गोविन्द दास : जहां तक शारीरिक शिक्षा का सम्बन्ध है, क्या माननीय मंत्री जी को यह बात मालूम है कि इस देश में भिन्न भिन्न संस्थायें यह शिक्षा अलग अलग पद्धति से देती हैं, जैसे कैवल्यधाम म आसनों के द्वारा दी जाती है और अमरावती में दूसरे ढंग से दी जाती है ? और यह जो कमेटी बनाई गई है क्या वह इस विषय पर भी विचार करेगी कि किस पद्धति को अपनाया जाय तथा क्या इस सम्बन्ध में कुछ विशेषज्ञों की भी राय ली जायेगी ?

डा० का० ला० श्रीमाली : जी हां, यह जो कमेटी नियुक्त की गई है वह सब प्रकार की संस्थाओं को इस में शामिल करेगी, जिन में व्यायामशालायें भी हैं और कैवल्यधाम का जो रिसर्च इंस्टिट्यूट है उस को तो हम पहले से ही ग्रांट दे रहे हैं। और जितनी भी योजनायें देश में हैं वह सब ध्यान में रक्खी जायेंगी ।

डा० राम सुभग सिंह : किन की अध्यक्षता में यह कमेटी बनाई गई है ?

Dr. K.L. Shrimali: This sub-committee has the following three members of the Board:

(1) Shri P.M. Joseph, Principal, Government Training Institute, Kandivali.

(2) Swami Kuvalayananda, Director, K.S.M.Y.M. Samity, Lonavala, Poona.

(3) Shri S. R. Mahindran, Principal, Government Training Institute for Physical Training, Rupa.

I think Mr. Joseph, Principal, Government Training Institute, is the Chairman. But this is subject to correction.

Shrimati A. Kale: May I know whether physical education of girls also will be considered by the Committee that is going to be set up?

Dr. K. L. Shrimali: There is a proposal.

Dr. Ram Subhag Singh: In reply to the original question the hon. Minister said that the Committee is likely to submit its report by the 15th of September. But in reply to my supplementary he says that he does not know the name of the Chairman of the Committee. May I know...

Mr. Speaker: He gave the names of the members of the Committee. But he does not know which of them is the Chairman.

Dr. Ram Subhag Singh: That is my point. He is unable to give a specific reply to that particular supplementary.

May I know whether the Committee is functioning and how the work of the Committee has progressed, on the basis of which the report will be submitted by the second week of September?

Dr. K. L. Shrimali: The Committee was appointed only recently by the Board of Physical Education and they have not yet, I think, met. But they will meet shortly and will submit the report by the end of September.

Shri Ramachandra Reddi: May I know whether any enquiry has been conducted as to whether the universities in several places have been promoting Physical education and in view of the fact that Physical instructors are very scarce whether the Government have made any allotment in the University Grants Fund for promotion of physical education in universities?

Dr. K. L. Shrimali: I am not sure whether the University Grants Commission has any such fund. It is for the University Grants Commission to decide how to allocate the funds. As far as the Government of India are concerned, they have decided to establish a national college of physical education, which will carry out research in physical education. The college will be established in Gwalior. The plans are being made and we hope that this will fulfil a great need in the country. It is also contemplated to give grants to various kinds of physical institutions and organisations for the promotion of physical education.

Shri Keshavaiengar: May I know if the indigenous system of yoga exercises is also a matter for consideration for this Committee?

Dr. K. L. Shrimali: The Government of India had appointed a Committee and they had gone into this question and yogic exercises have been included among the various exercises which have been recommended for school children.

University Grants Commission

*1279. **Shri Ramachandra Reddi:** Will the Minister of **Education** be pleased to state:

(a) whether there is any age limit prescribed for the employees of the University Grants Commission; and

(b) whether any exemption has been made so far in respect of any employees?

The Deputy Minister of Education (Dr. K. L. Shrimali.): (a) No, Sir.

(b) Does not arise.

Shri Ramachandra Reddi: May I know whether there are instances where officers who have retired some years back have been re-employed and further their services are going to be extended? If so, what are the reasons for re-employing them and extending their services?

Mr. Speaker: He has said that there are no age limits.

Dr. K. L. Shrimali: The position is that the University Grants Commission has employed staff so far on a temporary basis. Now the University Grants Commission is going to be reconstituted into a statutory body and it will now frame rules for employment of the staff. As I said, they have so far appointed staff only on a temporary basis from year to year.

Shri Ramachandra Reddi: May I know whether it is not a fact that because of the appointment on a temporary basis and the extension of such appointment, the prospects of other officers are going to be affected?

Dr. K. L. Shrimali: No, Sir, not at all.

Shri Velayudhan: May I know whether certain specific age limits were prescribed even for these temporary posts and, if so, whether they were observed or they have appointed some particular officers, bypassing the age or qualification?

Dr. K. L. Shrimali: As I said, the whole University Grants Commission is going to be re-constituted. Section 10 of the University Grants Commission Act, 1956 says:

> "The terms and conditions of service of the employees are to be determined by the Commission itself subject to such rules as may be made by the Central Government."

Section 26 (1) says:

> "The University Grants Commission can make regulations specifying the terms and conditions of service of employees appointed by the Commission."

So, it is entirely for the Commission to make these rules. As I said, the Commission, when it is reconstituted, will go into this whole question very shortly.

Shri Velayudhan: My question has not been answered.

Assam Compensatory Allowance

*1280. **Shri K. P. Tripathi:** Will the Minister of **Finance** be pleased to state:

(a) whether the Compensatory allowance payable to Central Government servants in Assam *vide* Press Note dated the 27th July, 1956 differs from the hill or jungle allowance;

(b) if so, in what way;

(c) the total number of employees who will be benefited; and

(d) the additional expenditure likely to be incurred annually on this account?

The Minister of Revenue and Civil Expenditure (Shri M.C. Shah): (a) The compensatory allowance recently sanctioned for Central Government servants in certain parts of Assam State is broadly of the same nature as the hill or jungle allowances which it replaces although it differs in its application.

(b) The difference is due to the hill and jungle areas being reviewed and redefined in terms of the criteria adopted by the Assam Government for their own employees.

(c) It is estimated that the number of Civilian employees (including those in the Railways) would be of the order of 8,500. Exact figures are not available.

(d) The additional annual expenditure has been broadly estimated at between Rs. 5 to 7 lakhs.

Shri K. P. Tripathi: May I know why this compensatory allowance is confined only to jungle and hill areas?

Shri M. C. Shah: The Central Pay Commission recommended that these matters should be reviewed and then it was found that in railways this allowance was given to those places which were not entitled to get this allowance. Therefore, the whole question had to be reviewed and an *ad hoc* committee was appointed, including two railway officials and one financial officer. They went round the whole State of Assam and they also consulted the Assam State Government. Then only these orders were issued.

Shri K. P. Tripathi: May I know whether it is a fact that the rise in the cost of living in Assam today is much higher than that of 1939 or 1947 or even the prevailing rates in Calcutta and other parts of Bengal and, if so, whether this matter has been considered in fixing the allowance for the staff in Assam?

Shri M. C. Shah: The Dearness allowance is calculated on an all-India basis and all the factors are being considered while fixing these allowances. These are special allowances, specially for jungle and hill areas—special compensatory allowance. They have already taken care to see all these factors.

Shri S. C. Deb: May I know whether the Government is aware that according a news item in the press in some parts of Assam the employees are observing a protest week because of this decision?

Shri M. C. Shah: We just read the reports in the papers about this protest. But orders have already been issued and orders have been given effect to.

श्रीमती कमलेन्दुमति शाह : क्या मैं जान सकती हूं कि और किन किन प्रान्तों के पहाड़ी हिस्सों को सरकार हिल और जंगल ऐलाउंस देने का विचार कर रही है, और उन स्थानों के नाम क्या क्या हैं ?

Shri M. C. Shah: This is a question with regard to Assam. If the hon. Member gives me notice, I will give all the necessary particulars.

Shri K. P. Tripathi: When the areas which are entitled to hill allowances are far outstripped by the rest of Assam, which do not get this allowance, what is the logic in calling it Assam allowance?

Shri M. C. Shah: All these factors have been taken into consideration. As a matter of fact, the Assam Government were not happy to allow these allowances, because the Assam Government employees get less than what the Central Government employees get. There is a marked difference between the Central Government's employees' emoluments and the State Government's employees' emoluments at the same place.

Mr. Speaker: The Question Hour is over.

SHORT NOTICE QUESTION AND ANSWER

Rumbling Sounds in Rajasthan

S. N. Q. No. 11. Shri J. R. Mehta: Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) whether the Government of India have received reports that some sort of rumbling sounds have been heard for some days in succession, and perhaps still continue to be heard, in village Ramsin and the adjoining areas, (lying not very far from the Rann of Kutch) in the Jodhpur Division of Rajasthan;

(b) whether Government have received reports that cracks have appeared in some old Jain Temple, as also in some houses in the said area ;

(c) whether any expert investigation has been made in order to find out the cause and significance of these sounds and cracks; and

(d) the extent of damage already caused?

The Minister of Natural Resources (Shri K. D. Malaviya): (a) to (d). The Rajasthan Governme nt

have reported that rumbling sounds lasting two to five seconds are being heard in village Ramsin since the last 15 days; about 40 houses and a Jain temple are reported to have developed cracks. It is further reported that the Rajasthan Government are investigating cause and significance; the extent of damage is also being surveyed.

Shri J. R. Mehta: May I know what is the exact extent of the area affected and whether any villages other than Ramsin are involved?

Shri K. D. Malaviya: The exact area is not known to me at present. But the Geological Survey of India is sending a party who will duly report to Government on all these matters.

Shr J. R. Mehta: May I know what is the population of Ramsin and how many of them have left the village to other places?

Shri K. D. Malaviya: I am not aware of the population of the village.

Shri J. R. Mehta: May I know what precautions have been taken to see that the people are saved from the hardships?

Shri K. D. Malaviya: If the area lies in the seismic belt, I am afraid no precaution can be taken to stop earthquakes.

Shri J. R. Mehta: May I know whether any Minister of the Centre or of the State Government has taken the trouble to visit the spot and find out the exact circumstances?

Shri K D. Malaviya: As I said, the Rajasthan Government has sent some parties to make investigations, and we are also sending parties from the Geological Survey of India to examine in detail the geological conditions and also to confirm what we had in our minds with regard to the seismic belt, and after they have completed their investigations a report will be made to the Government of India which will be place on the Table of the Housed.

Shri J. R. Mehta: May I know.....

Mr. Speaker: I cannot go on allowing seven or eight questions to the same hon. Member.

Shri J. R. Mehta: If you prohibit it.....

Mr. Speaker: I won't permit it.

Shri U. M. Trivedi: Is there any connection between rumbling tremors experienced at Sehore and the rumbling which is going on in Ramsin; is there any connection between the two?

Shri K. D. Malaviya: No. The Geological technicians report to us that there is no connection between the Sehore and Ramsin rumblings, they are totally of different origin.

Shri Gidwani: May I know whether any relief measures have been adopted there?

Shri K. D. Malaviya: I couldn't follow the question.

Mr. Speaker: Whether any relief measures have been adopted like evacuation of those people from the particular areas.

Shri K. D. Malaviya: So far as Ramsin is concerned, I am not aware what arrangements the Rajasthan Government are making, that is steps to give relief to those people who are suffering due to these cracks or house falls. So far as Sehore is concerned, the Bhopal Government has advised the people not to leave the place because there is no danger of any cracks or any upheaval taking place there.

Shri Kasliwal: The hon. Minister has said just now that a party of the Geological Survey of India is trying to find out whether this particular village is lying in the seismic belt or not. May I know whether Government have no data as to which parts of the country lie within the seismic belt?

Shri K. D. Malaviya: Yes, the Geological Survey of India have enough data with regard to the nature of the seismic belt in the country. But for saying exactly as to which village lies in that belt, some more information is needed.

Shri J. R. Mehta: In view of the replies given by the hon. Minister, may I know if we have a different standard of assessing ravages due to natural calamities in Rajasthan as compared to ravages from similar calamities in other parts of India?

Mr. Speaker: Ravage has not yet started. The hon. Member wants to know if there are different methods adopted for dealing with the ravages due to earthquake, etc. in different parts of India?

Shri K. D. Malaviya: I thought this question referred only to tremors.

Mr. Speaker: No ravage yet.

Shri J. R. Mehta: May I inform the hon. Minister that there has been a lot of damage, and even by implication he has himself admitted.....

Mr. Speaker: Some cracks.

Shri K. D. Malaviya: Yes, I stated that there have been many cracks.

Mr. Speaker: Evidently, the few questions were all directed to this : If there are rumblings, what steps are being taken before the rumblings develop into an earthquake or something like that?

Shri K. D. Malaviya: Unfortunately, as I said, it is not possible for the Geological technicians to prevent rumblings and prevent them from developing into an earthquake if it lies in a seismic belt.

Mr. Speaker: What steps are taken to avoid any catastrophe — that is the point of the question.

Shri K. D. Malaviya: That is for the State Government. They can ask the people to shift to any other place. But so far as we are concerned, we are examining whether this area lies in the seismic belt and we are sending a geological party to investigate and to give us their advice.

Shri K. K. Basu: Why not take the help of the Sadhu Samaj?

WRITTEN ANSWERS TO QUESTIONS

सैनिक स्कूल, देहरादून

*१२५७. **पंडित द्वा० ना० तिवारी :** क्या प्रतिरक्षा मंत्री २१ अप्रैल, १९५६ के तारांकित प्रश्न संख्या १६२६ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) सैनिक, स्कूल देहरादून में हरिजनों तथा आदिवासियों के लिये रियायती फीस का नियम लागू किये जाने के समय से कितने हरिजन तथा आदिवासी छात्र सैनिक भर्ती हुये ; और

(ख) क्या वही रियायत अन्य जातियों के योग्य और गरीब लड़कों को भी देने का विचार है ?

प्रतिरक्षा उपमंत्री (सरदार मजीठिया): (क) सम्भवतः माननीय सदस्य मिलिटरी कालेज, देहरादून के बारे में सूचना प्राप्त करना चाहते हैं । इस समय में कोई भी हरिजन या आदिवासी छात्र मिलिटरी कालेज के रेगुलर कोर्स में भर्ती होने के लिये पास नहीं हुआ ।

(ख) जी, नहीं ।

Prohibition in Delhi

*1261. **Shri Gajendra Prasad Sinha:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether public drinking of liquor with be stopped in Delhi totally; and

(b) if so, when?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) and (b). The Delhi State Government, who are concerned, have already issued orders on the subject.

राज्य लोक सेवा आयोग

*१२६४. **श्री बाल्मीकी :** क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि १९५३ में गृह कार्य मंत्रालय ने राज्य सरकारों से यह सिफारिश की थी कि वे राज्य लोक सेवा आयोगों में अनुसूचित जातियों के व्यक्तियों को नियुक्त करने के सम्बन्ध में यत्न करें ; और

(ख) यदि हां, तो राज्य सरकारों ने इस सिफारिश पर क्या कार्यवाही की है ?

गृह-कार्य मंत्रालय में मंत्री (श्री बातार) : (क) राज्य सरकारों को ऐसी कोई सिफारिश नहीं की गई । पर कुछ संसत्सदस्यों का इस आशय का एक सुझाव राज्य सरकारों को भेजा गया था और यह आशा प्रकट की गई थी कि वे इस पर पूर्ण रूप से विचार करेंगे ।

(ख) इस सुझाव पर राज्य सरकारों द्वारा की गई कार्यवाही के सम्बन्ध में कोई सूचना नहीं आई है ।

शिक्षा प्रणाली :

*१२६६: { **श्री नवल प्रभाकर :** / **श्री भगवत झा आजाद:**

क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि सरकार शिक्षा की वर्तमान प्रणाली में कुछ परिवर्तन करना चाहती है ;

(ख) यदि हां, तो इस दिशा में अब तक क्या प्रयत्न किये गये ; और

(ग) इन प्रयत्नों का ब्योरा क्या है ?

शिक्षा उपमंत्री (डा० म० मो० दास) : (क) हां, जी ।

(ख) तथा (ग). एक विवरण सभा पटल पर रख दिया गया है । [देखिये परिशिष्ट ७, अनुबन्ध सं० ४६]

General Elections

*1268. **Shri Sadhan Gupta:** Will the Minister of **Law** be pleased to state:

(a) whether any change is to be made in the procedure for voting in the next General Elections; and

(b) if so, the nature of the changed procedure?

The Minister of Law and Minority Affairs (Shri Biswas): (a) The Election Commission, has under consideration the question of introduction of a system of voting called the 'marking system' in the next General Election. No final decision has been taken in the matter.

(b) Under the proposed system, a ballot paper will bear the names (and, if possible, symbols) of all candidates. The elector will secretly place a mark against the name of the candidate of his choice, then fold the ballot paper and insert it into the ballot box which will be kept in full view of the Presiding Officer. One or more compartments, screened from observation by others, will be provided in every polling station where the electors would mark their ballot papers. The ballot paper will more or less resemble the postal ballot paper having the names of candidates printed on it with symbols. This system might be tried in selected urban areas, in the first instance, where the electorate are comparatively more literate.

Konark Temple

*1273. **Shri Sanganna:** Will the Minister of **Education** be pleased to state:

(a) whether it is fact that the temple of 'Konark' in Orissa is showing cracks due to presence of iron in between the Stones; and

(b) if so, what precautions are taken by Government to avoid further damage?

The Deputy Minister of Education (Dr. M. M. Das): (a) The presence of iron in between the stones of the Konarak temple does no doubt result in the splitting or chipping of certain stones, but no cracks of any consequence have occurred on that account.

(b) The surface of the temple is being water-tightened with suitable materials to avoid further damage and some of the iron dowels are being replaced by copper cramps.

Research in Public Administration

*1276. **Shri M. Islamuddin:** Will the Minister of **Education** be pleased to state:

(a) whether any research is being done on Public Administration in the Central Universities; and

(b) if not, whether there is any proposal to invite applications for carrying on research on the subject?

The Deputy Minister of Education (Dr. M. M. Das): (a) No Sir.

(b) There is no proposal to invite applications for carrying on research on the subject.

Visit of Pakistan Nationals to India

*1277. **Shri R. P. Garg:** Will the Minister of **Home Affairs** be pleased to lay a statement on the Table showing the number of Pakistani Nationals who visited India during the last five years year-wise?

The Minister in the Ministry of Home Affairs (Shri Datar): The information is being collected and a Statement will be laid on the Table of the House in due course.

Mineral Prospecting

*1281. **Shri V. P. Nayar:** Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) whether it is a fact that the "Pulmedu" of Vandiperiya Area has been recently surveyed for Minerals; and

(b) if so, the important minerals occurring there?

The Minister of Natural Resources (Shri K. D. Malaviya): (a) and (b). The Geological Survey of India has not so far done any work in Vandiperiya area in Travancore-Cochin.

राज्य विश्वविद्यालयों को अनुदान

*१२८२. श्री खू० चं० सोचिया : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि विश्वविद्यालय अनुदान आयोग ने वर्ष १९५५–५६ में निम्नलिखित मदों के लिये प्रत्येक राज्य विश्वविद्यालय को कितनी राशि मंजूर की है :

(१) पुस्तकालय तथा प्रयोगशालायें,

(२) वैज्ञानिक अनुसंधान, और

(३) स्नातकोत्तर शिक्षा—प्रसार ?

शिक्षा उपमंत्री (डा० म० मो० दास) : एक विवरण सभा पटल पर रख दिया गया है । [देखिये परिशिष्ट ७, अनुबन्ध सं० ५०]

Gifts from Foreign Dignitaries

*1283. **Shri Kamath:** Will the Minister of **Home Affairs** be pleased to refer to the reply given to Starred Question No. 287 on the 26th July, 1956 and supplee mentaries thereon and state:

(a) the number together with the names of officers who have complied so far with the directive issued by Government ; and

(b) the approximate value of gifts so deposited in 'Toshkhanas' or elsewhere?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) and (b). It would not be in public interest to disclose the information.

Translation of Books in Regional Languages

*1284. **Shri D. C. Sharma:**
Sardar Iqbal Singh:
Sardar Akarpuri:
Shri Krishnacharya Joshi:

Will the Minister of **Education** be pleased to refer to the reply given to Starred Question No. 421 on the 2nd March, 1956 and state:

(a) the names of the books that are proposed to be translated in each of the fourteen regional languages; and

(b) the languages in which they were originally written?

The Deputy Minister of Education (Dr. M. M. Das): (a) Decision has not been taken regarding the books proposed to be translated from one Indian language into another.

(b) The question does not arise.

Settlers in Andamans from Bombay

*1285. **Shri Dabhi:** Will the Minister of **Home Affairs** be pleased to state:

(a) the number of families from Bombay State (District-wise) which have been settled in Andamans upto this time; and

(b) the nature and the kind of crops they grow there?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) Nil.

(b) Does not arise.

कैलेन्डर सुधार समिति का प्रतिवेदन

*१२८६. **श्री भक्त दर्शन :**
सरदार इकबाल सिंह :
सरदार अकरपुरी :
श्री कृष्णाचार्य जोशी

क्या गृह-कार्य मंत्री १५ मार्च, १९५६ के तारांकित प्रश्न संख्या ७२८ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) किन-किन राज्यों ने अब तक कैलेंडर सुधार समिति के प्रतिवेदन के बारे में अपनी सम्मति भेज दी है ;

(ख) उन से प्राप्त सम्मतियों का सारांश क्या है; और

(ग) कब तक अन्तिम निश्चय होगा ?

गृह-कार्य मंत्रालय में मंत्री (श्री दातार) : (क) भोपाल के अतिरिक्त सब राज्यों से उत्तर प्राप्त हो चुके हैं ।

(ख) कैलेंडर सुधार समिति की सिफारिश सामान्यत: स्वीकार कर ली गई हैं ।

(ग) यह विषय विचाराधीन है और आशा है कि अन्तिम निर्णय शीघ्र ही हो जायगा ।

हिन्दी के टाइपराइटर

*१२८७. **पंडित ह्रा० ना० तिवारी :** क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) हिन्दी टाइपराइटरों (टंकन यंत्रों) में रोमन अंक रखने के लिये सरकार के निर्णय के विरुद्ध हिन्दी साहित्य सम्मेलन और अन्य संस्थाओं से कितने विरोध-पत्र आज तक सरकार को प्राप्त हुए हैं ; और

(ख) क्या सरकार अपने निर्णय पर पुन: विचार कर रही है ?

शिक्षा उपमंत्री (डा० म० मो० दास) : (क) हिन्दी टाइपराइटरों के कुंजी-पटल म अन्तर्राष्ट्रीय अंकों के प्रयोग का विरोध पांच हिन्दी संस्थाओं ने किया है जिन में हिन्दी साहित्य सम्मेलन भी शामिल है ।

(ख) सरकार ने निर्णय किया है कि यदि सम्भव हो सके तो दोनों प्रकार के अंक टाइपराइटर में रक्खे जायें । यह न हो

सका तो सरकार अन्तर्राष्ट्रीय अंकों को सरजीह देगी ।

Dalmia Dadri Cement Co. Ltd.

*1288. **Shri Ram Krishan:** Will the Minister of **Finance** be pleased to refer to the reply given to Unstarred Question No. 2248 on the 21st May, 1956 and state:

(a) whether the report of enquiry against the Dalmia Dadri Cement Co. Ltd. received from the Registrar has since been considered; and

(b) if so, the action Government propose to take in the matter?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): (a) and (b). The report submitted by the Registrar of Companies in this case alon g with other reports in respect of Companies in the same group, is still under consideration.

Cultural Scholarships

*1289. **Shri Krishnacharya Joshi:** Will the Minister of **Education** be pleased to state:

(a) the total amount spent on cultural scholarships to (i) foreign students and (ii) students of Indian Origin abroad during 1955-56; and

(b) the total number of students benefited by such scholarships so far?

The Deputy Minister of Education (Dr. M. M. Das): (a) Information is being collected and will be laid on the Table of the House.

(b) 348.

Mineral Resources of Kutch

*1290. **Shri Gidwani:** Will the Minister of **Natural Resources and Scientific Research** be pleased to state whether survey of Mineral resources of Kutch has recently been undertaken by Government?

The Minister of Natural Resources (Shri K. D. Malaviya): Yes, Sir.

Cultural Relations with Middle East Countries

*1291. **Sardar Iqbal Singh:**
Sardar Akarpuri:

Will the Minister of **Education** be pleased to state the steps taken so far by Government to promote cultural relations with Middle East Countries?

The Deputy Minister of Education (Dr. M. M. Das): A statement is laid on the Table of the House. [*See* Appendix VII, annexure No. 51].

Students Cultural Tour of Japan

*1293. **Shri M. Islamuddin:** Will the Minister of **Education** be pleased to state:

(a) whether a group of students of Lady Irwin College, Delhi recently went on an educational and cultural tour of Japan;

(b) if so, their number and the cultural aspect they represented;

(c) whether any financial help was rendered to them by Government; and

(d) whether it is also a fact that they gave a Cultural show at Singapore on their return journey?

The Deputy Minister of Education (Dr. M. M. Das): (a) to (d). Yes. But the tour was neither sponsored nor financially aided by the Government of India.

House Tax

*1294. **Shri V. P. Nayar:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that the Government of Travancore-Cochin has directed the Municipal Council, Alleppey that House-tax should be realised in the Municipal limits of Alleppey on all houses; and

(b) whether the Municipal Council of Alleppey has passed a resolution requesting the Municipal Commissioner to stay all action taken under the direction of Government of Travancore-Cochin?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) No. Government have issued instructions to the Municipal Council, Alleppey to assess to property tax all lands and buildings not specifically exempted by the District Municipalities Act.

(b) Yes.

Customs Duty

*1295. Dr [illegible] the Minister [illegible] state:

(a) whether any representation has been received by Government from Malaya Indians regarding the hardships caused to them by the recent decision of the Indian Customs Department to reduce duty free limit for luggage from Rs. 2,000 to Rs. 500 in case of passengers coming to India from Asian and African countries; and

(b) if so, whether any action has been taken on it?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) Yes.

(b) No action is called for as the cut in the overall limit was made after due consideration of all the relevant factors. A suitable reply to this effect will be sent.

Statuette of Buddha

*1296. **Shri Shree Narayan Das:**
Shri Raghunath Singh:

Will the Minister of **Education** be pleased to state:

(a) whether it is a fact that an Indian statuette of the Buddha was found on an island near Stockholm;

(b) if so, the circumstances in which this was discovered;

(c) whether the same has been studied by Indian experts or any other expert;

(d) if so, the nature of conclusions reached with regard to its historical importance and the way in which this found its way to that island; and

(e) whether it is proposed to send an Indian expert to examine and study the statue?

The Deputy Minister of Education (Dr. M. M. Das): (a) Government have no information in the matter.

(b) to (d). Do not arise.

(c) No, Sir.

Tax on Total Wealth

*1297. **Shri D. C. Sharma:**
Sardar Iqbal Singh:
Sardar Akarpuri:

Will the Minister of **Finance** be pleased to refer to the reply given to Starred Question No. 427 on the 2nd March, 1956 and state:

(a) whether the proposal regarding the levy of annual tax on total wealth has since been finalised: and

(b) if so, the details thereof?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): (a) No, Sir. The proposal is still under consideration of the Government.

(b) Does not arise.

बुद्ध स्मारक

*१२९८. **श्री भक्त दर्शन** : क्या शिक्षा मंत्री २१ अप्रैल, १९५६ के अतारांकित प्रश्न संख्या १२६९ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या तब से २५००वीं बुद्ध परिनिर्वाण जयन्ती के सम्बन्ध में नई दिल्ली में बनाये जाने वाले स्मारक के स्वरूप का निर्धारण करने के सम्बन्ध में कोई निश्चय किया जा चुका है ;

(ख) यदि हां, तो स्मारक के स्वरूप और वित्तीय पहलू का विवरण क्या है ; और

(ग) यदि नहीं, तो अब तक इस सम्बन्ध में क्या प्रगति हुई है ?

शिक्षा उपमंत्री (डा० म० मो० दास): (क) नहीं, जी ।

(ख) प्रश्न उत्पन्न नहीं होता ।

(ग) कुछ नये नमूने विचाराधीन हैं ।

Camping Grounds, Punjab

*1299. **Sardar Iqbal Singh:**
Sardar Akarpuri:

Will the Minister of **Defence** be pleased to refer to the reply given to Starred Question No. 824 on the 20th March, 1956 and state the progress made so far in connection with the disposal of surplus camping grounds in the Punjab?

The Deputy Minister of Defence (Sardar Majithia): Only five camping grounds are surplus to Defence Services requirements. The State Government are interested in their purchase. Detailed particulars such as market value of the land, cost of assets thereon, etc., are being obtained from concerned authorities on receipt of which formal offer of terms and conditions for their sale will be made to the State Government.

Assam Oil Company

*1300. **Shri Gidwani:** Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) whether it is a fact that the Assam Oil Company has applied for additional prospecting licences;

(b) if so, the number of licences and what will be the area covered by them and

(c) the terms on which the licences will be given?

The Minister of Natural Resources (Shri K. D. Malaviya): (a) Yes, Sir.

(b) 12 applications covering an area of 1944·72 sq. miles.

(c) No decision has been taken to grant these licences.

Indo-Egyptian trade

*1192. **Shri Kasliwal:**
Shri Bansal:
Shri H. N. Mukerjee:
Shrimati Renu Chakravarty
Shri Bibhuti Mishra:
Dr. Rama Rao:
Shri Gopala Rao:

Will the Minister of **Finance** be pleased to state:

(a) whether his attention has been drawn to report in the Press that Government of U. K. has placed restrictions on Egypt's sterling balance;

(b) if so, whether India's trade with Egypt is going to be adversely affected as under a bilateral agreement between the two countries 60 per cent of the payment has to be made in sterling; and

(c) if so, the steps Government propose to take in this matter?

The Deputy Minister of Finance (Shri B. R. Bhagat): (a) Yes, Sir, the Government of India have also been informed officially by the U. K. Government of the restrictions placed by them on Egyptian holdings of sterling.

(b) Under the arrangement arrived at to implement the trade agreement between India and Egypt all payments in respect of exports from Egypt to India are to be made in Indian rupees. 40 per cent of such rupees have to be spent on purchases in India while the remaining 60 per cent may, if Egypt so desires, be converted into sterling. As the entrie trade between Egypt and India is thus financed in rupees, the restrictions placed by the U.K. Government on Egypt's holdings of sterling should have no direct effect on Indo-Egyptian trade.

(c) If any difficulties do arise, Government will take such steps as are considered necessary to maintain the flow of trade between the two countries.

Bharat Sewak Samaj

808. Shri Ram Krishan: Will the Minister of **Education** be pleased to state:

(a) the total number of camps held so far in the State of PEPSU with Central aid under the auspices of Bharat Sewak Samaj, district-wise;

(b) the total number of persons who attended the camps, camp-wise;

(c) the total amount of expenditure incurred; and

(d) the nature of work completed, camp-wise?

The Deputy Minister of Education (Dr. M. M. Das): (a) to (d). A statement is placed on the Table of the House. [*See* Appendix VII, annexure No. 52].

Education and Literary Oranisations

809. Shri Ram Krishan: Will the Minister of **Education** be pleased to state the total amount of grants paid to each of the All India organisations (Education and Literary) during 1954-55 and and 1955-56?

The Deputy Minister of Education (Dr. M. M. Das): Information is being collected and will be laid on the Table of the Lok Sabha.

Mines in Rajasthan

810. Shri Bheekha Bhai: Will the Minister of **Natural Resources and Scientific Research** be pleased to state the number of manganese, iron, copper and zinc mines working in Rajasthan?

The Minister of Natural Resources (Shri K. D. Malaviya): According to available information the number of mines in Rajasthan is:—

Manganese	14
Iron	8
Copper	Nil.
Zinc	1

The latest figures regarding these mines are being collected and will be laid on the Table of the House as soon as possible.

Non-Government High Schools in Tripura

811. Shri Biren Dutt: Will the Minister of **Education** be pleased to state:

(a) the names of non-Government High Schools in Tripura that have received capital grant from Government in 1955-56;

(b) the amount granted to each of them;

(c) the basis of ascertaining the amount; and

(d) whether any school has already received any amount?

tion is being collected and will be laid on the Table of the House in due course.

Law and Order in Delhi

812. Shri Beli Ram Das: Will the Minister of **Home Affairs** be pleased to state:

(a) how many murders took place during 1955-56 in the State of Delhi; and

(b) in how many cases fire-arms have been used in these murders?

The Minister in the Ministry of Home Affairs (Shri Datar):—

	1955-56	(upto 31-7-1956)
(a)	40	31
(b)	4	1

Housing Facilities

813. Shri V. P. Nayar: Will the Minister of **Home Affairs** be pleased to state:

(a) whether the Government of Travancore-Cochin has any programme for providing better Housing facilities for the pot-makers (Velars) in Attingal Town; and

(b) if so, the details of the scheme?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) and (b) The Travancore-Cochin Government have formulated a scheme for the construction of houses for one hundred families of Municipal servants and pot-makers of Attingal. The cost involved including acquisition charges will be advanced by the Government as interest free loan repayable in twenty-five annual equated instalments. The scheme will be executed through the Municipality of Attingal.

लोहा अयस्क

८१४. **श्री अनिरुद्ध सिंह :** क्या **प्राकृतिक संसाधन और वैज्ञानिक गवेषणा** मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि उदयपुर डिवीजन में अरावली पहाड़ियों के काले मगरा क्षेत्र के निकट विपुल मात्रा में लोहे के निक्षेप प्राप्त होने की संभावना है ; और

(ख) यदि हां, तो इस क्षेत्र में खनिजों की खोज करने के लिये सरकार क्या कार्यवाही कर रही है ?

प्राकृतिक संसाधन मंत्री (श्री के० डी० मालवीय) : (क) भारतीय भूतत्वीय सवक्षण विभाग के पास कालेमगरा क्षेत्र में लोहा अयस्क पाये जाने की कोई निश्चित जानकारी नहीं है । फिर भी, अरावली की पहाड़ियों में कच्चे लोहे के भंडार पाये गये हैं ।

(ख) भारतीय भूतत्वीय सवक्षण विभाग का १९५६-५७ के क्षेत्र-कार्य-काल में उदयपुर डिवीजन में कच्चे लोहे के अधिक आशाजनक क्षेत्रों में खोजे जाने का प्रस्ताव है ।

खनिज निक्षेप

८१५. **श्री बलवन्त सिंह महता :** क्या **प्राकृतिक संसाधन और वैज्ञानिक गवेषणा** मंत्री यह बताने की कृपा करेंगे कि :

(क) अभी हाल में हुए सर्वेक्षण के परिणामस्वरूप जावर क्षेत्र में सीसा और जस्ते को छोड़ कर अन्य खनिज लगभग कितनी मात्रा में मिले हैं ;

(ख) खनिजों का सर्वेक्षण कब तक पूरा हो जाने की आशा है ; और

(ग) कितनी दूर तक इस खनिज के मिलने के आसार मिले हैं ?

प्राकृतिक संसाधन मंत्री (श्री के० डी० मालवीय) : (क) से (ग). सीसे तथा जस्ते के अतिरिक्त अन्य खनिज निक्षेपों की संचित मात्रा बहुत ही कम पाई गई तथा उन का अनुमान नहीं लगाया गया है । यह निश्चित नहीं बताया जा सकता कि जावर क्षेत्र का सर्वेक्षण कब पूर्ण होगा । उन क्षेत्रों का विस्तार जिन में खनिजों के चिन्ह पाय गये हैं, सर्वेक्षण समाप्त होने के पश्चात ही जाना जा सकेगा ।

Inspecting Assistant Commissioner of Income-tax

816. Shri Bhagwat Jha Azad: Will the Minister of **Finance** be pleased to state:

(a) the functions of the Inspecting Assistant Commissioner of Income-Tax incharge of training of probationers; and

(b) the average number of trainees under his charge?

The Minister of Revenue and Civil Expenditure (Shri M.C. Shah): (a) and (b). A statement giving the requisite information is laid on the Table of the House. [*See* Appendix VII, annexure No. 53].

Outstanding Contractors' Bills with M.E.S.

817. Shrimati Renu Chakravartty: Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that a large number of Contractors' bills are still outstanding with the M.E.S. authorities, even though the works have been completed;

(b) if so, the number of bills outstanding at present in respect of works done by the G.E., Projects Division, Red Fort, Delhi;

(c) for how long each of these bills has been outstanding; and

(d) the action Government propose to take to expedite payment?

The Deputy Minister of Defence (Sardar Majithia): (a) No.

(b) 11 (Eleven).

(c) Out of the eleven, only five are pending for more than six months after the completion of the work. In all these five cases, the contractors did not submit the bills which had to be prepared by Government. These have not been fully accepted by the contractors leading to arbitration and court proceedings. The duration of the outstandings in these five cases varies from 14 months to 3½ years.

(d) Detailed instructions have been issued by the Engineer-in-Chief to lower formations in consultation with Ministry of Finance and the Controller General of Defence Accounts for dealing with avoidable delays. Delays arising on account of the contractors raising claims after the completion of works or due to unsatisfactory execution of work leading to arbitration and court proceedings are unavoidable for adequately safeguarding Government's interests and for securing a proper and effective utilisation of Government funds.

Smuggling

818. Shri D. C. Sharma: Will the Minister of **Finance** be pleased to state:

(a) the number of smugglers arrested on the West Bengal border during the months of March, April, May and June, 1956;

(b) the total value of goods confiscated;

(c) the major items among them; and

(d) the number of smugglers convicted?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) No smuggler was arrested on the West Bengal border during the months of March, April, May and June, 1956.

(b) The total value of goods confiscated during that period by competent customs officers, in exercise of their powers under the Land Customs Act, is Rs. 7,15,600.

(c) The major items involved were betelnuts, strawmats, gold, silver, Pak and Indian currencies and cotton textiles.

(d) No smuggler was sent up for trial in a court of law during that period as most of the cases were individually petty ones or detected at substantial distances from the border making direct personal responsibility for import in contravention of regulations, difficult to establish.

छावनी बोर्ड

८१९. **श्री भक्त दर्शन** : क्या प्रतिरक्षा मंत्री ३० अप्रैल, १९५६ के तारांकित प्रश्न संख्या १८०६ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) लैंसडोन, लंढौर और चकराता के छावनी बोर्डों की विकास योजनाओं के बारे में क्या इस बीच कोई अंतिम निर्णय कर लिया गया है ;

(ख) यदि हां, तो क्या उन में से प्रत्येक के बारे में किये गये निर्णय की एक प्रति सभा-पटल पर रखी जायेगी ; और

(ग) यदि अभी तक कोई निर्णय नहीं किया गया है तो कब तक अन्तिम निर्णय हो जाने की आशा की जा सकती है ?

प्रतिरक्षा संगठन मंत्री (श्री त्यागी) : (क) जी, हां ।

(ख) चालू वित्तीय वर्ष में इन तीन छावनियों को अस्थायी तौर पर बांटी गई राशियों का विवरण सभा-पटल पर रख

दिया गया है। [देखिए परिशिष्ट ७, अनुबन्ध संख्या ५४]

(ग) प्रश्न नहीं उठता।

Higher Secondary Schools

820. Pandit D. N. Tiwary: Will the Minister of **Education** be pleased to state:

(a) whether Government have received any report about the number of High Schools converted into Higher Secondary Schools and multi-purpose schools during 1955-56; and

(b) what is the basic difference between the conversion of schools into Higher Secondary and multi-purpose and the improvement of selected Secondary Schools?

The Deputy Minister of Education (Dr. M. M. Das): (a) and (b). A statement is laid on the Table of the Lok Sabha. [*See* Appendix VII, annexure No. 55].

External Relations Division

822. Shri Krishnacharya Joshi: Will the Minister of **Education** be pleased to refer to the reply given to Starred Question No. 705 on the 3rd August, 1956 and state:

(a) whether there will be co-ordination between the Indian Council of Cultural Relations and the External Relations Division; and

(b) total calculated amount of recurring and non-recurring expenditure on this Division?

The Deputy Minister of Education (Dr. M. M. Das): (a) The I.C.C.R. is an autonomous body which draws up its own programme of cultural activities independently although it seeks the advice of this Division whenever it considers it necessary.

(b) The Division came into existence on 11-6-1956. It is anticipated that a sum of Rs. 87,500/- recurring will be spent during 1956-57. Non-recurring expenditure is nil.

Survey of Blind Population

823. Shri D. C. Sharma: Will the Minister of **Education** be pleased to state:

(a) the progress made with regard to the proposed sample survey of the blind population in the country; and

(b) the details thereof?

The Deputy Minister of Education (Dr. M. M. Das): (a) and (b). An Expert Committee has been appointed to draw up a suitable questionnaire.

Personnel for Manipur

ishing: Will the **ffairs** be pleased to state.

(a) w it is a fact that the development programmes of Manipur were severely affected by the non-availability of technical personnel during the past three financial years;

(b) if so, the number of techincal personnel required;

(c) the number of applications received in response to the advertisements by the Government of Manipur for recruitment of the technical personnel during the past three years; and

(d) the number of applicants interviewed, appointed and rejected during the same period?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) to (d). The required information is being collected and will be placed on the Table of the House, when received.

सरकारी छात्रवृत्तियों पर विदेश भेजे गये विद्यार्थी

८२५: { श्री बाल्मीकी :
श्री मू० इस्लामुद्दीन :

क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) भारत सरकार की विभिन्न छात्रवृत्ति योजनाओं के अन्तर्गत १९५० से अब तक कितने विद्यार्थी अध्ययन के लिये विदेश गये ;

(ख) उनके अध्ययन के विषय क्या हैं ;

(ग) क्या यह सच है कि शिक्षा प्राप्त कर के लौटने पर उन्हें बेकार बैठना पड़ता है और उन्हें यथायोग्य काम नहीं मिलता; और

(घ) यदि हां, तो इसके क्या कारण हैं ?

शिक्षा उपमंत्री (डा० म० मो० दास : (क) चौंतीस।

(ख) एक विवरण सभा पटल पर रख दिया गया है। [देखिये परिशिष्ट ७, अनुबन्ध संख्या ५६]

(ग) अभी तक कोई परिवाद प्राप्त नहीं हुआ।

(घ) प्रश्न उत्पन्न नहीं होता।

कोलम्बो योजना

८२६. **श्री बाल्मीकी :** क्या वित्त मंत्री यह बताने की कृपा करेंगे कि :

(क) गत पांच वर्षों में (जनवरी १९५६ तक) कोलम्बो योजना के अन्तर्गत कितने विशेषज्ञों की सेवायें प्राप्त की गयीं;

(ख) इस अवधि में कितने विद्यार्थियों को कोलम्बो योजना के अन्तर्गत भारत से बाहर विशेषज्ञता प्राप्त करने के लिये भेजा गया ; और

(ग) इस सम्बन्ध में सरकार को कितना धन व्यय करना पड़ा ?

प्रधान मंत्री तथा वैदेशिक कार्य तथा वित्त मंत्री (श्री जवाहरलाल नेहरू) : (क) १०२।

(ख) ६६७।

(ग) सूचना इकट्ठी की जा रही है और मिलते ही सदन की मेज पर रख दी जायगी।

Population Data

827. Shri Krishnacharya Joshi: Will the Minister of **Home Affairs** be pleased to state the functions of Registrar-General for improvement of population data?

The Minister in the Ministry of Home Affairs (Shri Datar): The Registrar-General, who is also *ex-officio* Census Commissioner, is head of the Organisation dealing with population statistics, including vital statistics and Census.

Aircrafts

828. Shri D. C. Sharma: Will the Minister of **Defence** be pleased to state:

(a) the steps taken by Government to replace the old aircrafts of the Air Force by new ones during 1955-56; and

(b) the total number of aircrafts to be purchased during the Second Five Year Plan?

The Minister of Defence Organisation (Shri Tyagi): (a) The question of replacing old Air Force aircraft is continuously under review by Government.

(b) It will not be in the public interest to give out the information asked for.

Import of Armaments

829. Shri D. C. Sharma: Will the Minister of **Defence** be pleased to state:

(a) the total cost of armament imported from foreign countries during 1955-56; and

(b) how does it compare with that imported during 1954-55?

The Minister of Defence Organisation (Shri Tyagi): (a) and (b). It will not be in the public interest to disclose this information.

Intensive Education Development

830. Shri Ram Krishan: Will the Minister of **Education** be pleased to state the total amount of grants made by the Central Government to the various States under the scheme of intensive Educational Development during 1955-56, State-wise?

The Deputy Minister of Education (Dr. M. M. Das): A statement is laid on the Table of the House. [*See* Appendix VIII, annexure No. 57].

Educated Unemployment

831. Shri Ram Krishan: Will the Minister of **Education** be pleased to state the total number of teachers employed in rural areas to relieve educated unemployment during 1955-56, State-wise?

The Deputy Minister of Education (Dr. M. M. Das): A Statement is laid on the table of the House. [*See* Appendix VII, annexure No. 58].

Central Excise Department in Punjab

832. Shri D. C. Sharma: Will the Minister of **Finance** be pleased to state:

(a) the number of persons belonging to Scheduled Castes and Scheduled Tribes employed in the Central Excise Department, Punjab, with their designations;

(b) the number of temporary employees among them; and

(c) the main reasons therefor?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) and (b). A statement showing the required information is placed on the Table of the House. [*See* Appendix VII, annexure No. 59].

(c) Punjab falls within the jurisdiction of Delhi Central Excise Collectorate which comprises of Delhi, Punjab, Pepsu, Himachal Pradesh, Rajasthan, Ajmer and Jammu and Kashmir States. Appointments and confirmations in all cadres are made on a Collectorate basis and not State-wise. Because of recent expansion a number of posts in this as well as other Collectorates are still temporary and members of the Scheduled Castes and Tribes have therefore to compete with others for confirmation in their own turns. Moreover, the number of Scheduled Castes and Scheduled Tribes coming up for confirmation is also low, because many of them do not stick to their posts and leave the Department before they become eligible for confirmation. As they have to be replaced by fresh recruits, they lose their turns for confirmation.

Check Posts on Indo-Pakistan Border

833. Sardar Iqbal Singh:
Sardar Akarpuri:
Shri D. C. Sharma:

Will the Minister of **Finance** be pleased to state:

(a) the number of check posts on the Indo-Pakistan border in the Punjab and Rajasthan for preventing smuggling of goods;

(b) the names of the places where the posts are situated; and

(c) the number of cases of smuggling that were detected during 1954 and 1955 from each?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) In addition to the notified Land Customs Stations there are 8 check posts in Rajasthan and 13 check posts in Punjab on the Indo-Pakistan border for preventing smuggling of goods.

(b) A list of the notified stations is aid on the Table of the House. [*See* Appendix VII, annexure No. 60

The other check posts are situated at vulnerable points all along the border. It would not be in the public interest to disclose their names.

(c) The number of cases of smuggling that were detected during 1954 and 1955 is given below:

Year	Punjab	Rajasthan
1954 . .	177	Nil
1955 . .	110	243

Cultural Missions

834. Sardar Iqbal Singh:
Sardar Akarpuri:

Will the Minister of **Education** be pleased to state the programme of sending Cultural Missions to foreign countries during 1956?

The Deputy Minister of Education (Dr. M. M. Das): The Government have decided to send an Indian Sports Delegation to Afghanistan to participate in the Afghan Jashan Celebrations and an Indian Educationists Delegation to U.S.S.R.

The question of sending other delegations is under consideration.

Air-Defence Reserve

835. Sardar Iqbal Singh:
Sardar Akarpuri:

Will the Minister of **Defence** be pleased to refer to the reply given to Starred Question No. 2148 on the 11th May, 1956 and state the number of persons registered so far in the Air Defence Reserve?

The Minister of Defence Organisation (Shri Tyagi): A large number of applications have been received and are under scrutiny. The formal registration will start as soon as all the applications have been scrutinised.

National Sample Survey

836. Sardar Iqbal Singh:
Sardar Akarpuri:

Will the Minister of **Finance** be pleased to refer to the reply given to the Unstarred Question No. 1588 on the 30th April, 1956 and state the names of the 226 villages which have been selected in the Punjab for the tenth round of the National Sample Survey Programme?

The Prime Minister and Minister of External Affairs and Finance (Shri Jawaharlal Nehru): A statement showing the names of villages selected in the Punjab for the tenth round of the

National Sample Survey is laid on the Table of the House. [*See* Appendix VII, annexure No. 61].

Social Welfare of Tribals

837. Shri Bheekha Bhai: Will the Minister of **Education** be pleased to state:

(a) whether the Central and State Boards of Social Welfare have started any social welfare programme among the tribal people of any State;

(b) if so, whether they have started any work for non-tribal people in tribal and scheduled areas of the State; and

(c) if so, the reasons therefor?

The Deputy Minister of Education (Dr. M. M. Das): (a) and (b). The Board has established some Welfare Extension Projects in scheduled areas but they are not intended exclusively either for tribal or non-tribal people.

(c) Does not arise.

Hindustan Aircraft Ltd.

838. Shri Madiah Gowda: Will the Minister of **Defence** be plased to state:

(a) whether it is a fact that a German designer with a team of experts are engaged in Hindustan Aircraft Limited to produce 'I Line Aircraft';

(b) if so, for how many years contract has been entered into with them; and

(c) when the first Aircraft will be ready?

The Minister of Defence Organisation (Shri Tyagi): (a) to (c). Yes, it has been decided to engage a team of German aeronautical experts at the Hindustan Aircraft in India. A few experts have already joined and a few more are expected shortly. It will not be in the public interest to give out the details of the contract and the plans for the design and development of military aircraft.

Lok Sahayak Sena

839. Shri D. C. Sharma: Will the Minister of **Defence** be pleased to state:

(a) whether the scheme for expansion of *Lok Sahayak Sena* during the Second Five Year Plan has been finalised; and

(b) if so, the details thereof?

The Minister of Defence Organisation (Shri Tyagi): (a) and (b). The *Lok Sahayak Sena*, which was inaugurated on 1st May, 1955, envisages the training of 5 lakh persons at the rate of 1 lakh persons per annum. There is no proposal to expand the *Lok Sahayak Sena* at this stage, but the position will be reviewed at the end of the five year period.

EX-Servicemen

840. Shri D. C. Sharma: Will the Minister of **Defence** be pleased to state:

(a) the number of *ex*-servicemen who were given employment in civil and military departments during 1955; and

(b) the steps that are being taken to improve the situation during the current year?

The Deputy Minister of Defence (Sardar Majithia): (a) 15,039 *ex*-service men have been found employment in Government and private service during 1955.

(b) Continuous efforts are being made to find employment for the *ex*-servicemen.

Scheduled Tribes in Dungarpur and Banswara Districts

841. Shri Bheekha Bhai: Will the Minister of **Home Affairs** be pleased to refer to the reply given to Unstarred Question No. 820 on the 9th April, 1956 and state:

(a) whether Government have since revised the population figures of Scheduled Tribes in Dungarpur and Banswara Districts; and

(b) if so, whether a copy of a statement containing the revised figures will be placed on the Table?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) No.

(b) Does not arise.

Banswara Constituency

842. Shri Bheekha Bhai: Will the Minister of **Law** be pleased to state:

(a) whether any represenatation as to reserving Banswara Parliamentary Constituency for scheduled Tribes has been received;

(b) if so, the action taken in regard to this; and

(c) whether the Delimitation Commission has taken any note in regard to this?

The Minister of Law and Minority Affairs (Shri Biswas): (a) Yes.

(b) and (c). The late Delimitation Commission considered the representation at its public sitting at Udaipur on the 16th

December, 1954, and held that the Scheduled Tribes population in Rajasthan did not warrant the reservation of a seat for them in the House of the People.

विमानों का क्रय

८३२. श्री रघुनाथ सिंह : क्या प्रतिरक्षा मंत्री यह बताने की कृपा करेंगे कि क्या यह सच है कि भारत ने प्रशिक्षण प्रयोजन के लिये अमरीका से ३० पुराने विमान खरीदे हैं ?

प्रतिरक्षा संगठन मंत्री (श्री त्यागी) : यू० एस० वायुसेना से ३० ट्रेनर वायुयान खरीदने के लिये आदेश दिये गये हैं । यह वायुयान अभी तक भारतीय वायु सेना और अन्य कई देशों की वायु सेनाओं में प्रयोग में लाये जा रहे हैं और अप्रचलित नहीं हैं ।

Tax on Tobacco

844. Shri Sanganna: Will the Minister of **Finance** be pleased to state:

(a) whether any proposals for the exemption of tax on tobacco grown on small scale in hilly tracts for personal consumption have been received from Orissa circle of the Calcutta collectorate;

(b) if so, the names of those areas; and

(c) the decision of Government ?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) No, Sir.

(b) and (c). Do not arise.

Sarvaswadan Villages

845. Shri Sanganna: Will the Minister of **Home Affairs** be pleased to refer to the answer given to Unstarred Question No. 2437 on 29th May, 1956 in respect of the Sarvaswadan villages in the District of Koraput (Orissa and state:

(a) whether any schemes for the grant of Rs. 2 lakhs have been sent to Govern

(b) if so, what are they; and

(c) how far they have been implemented ?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) to (c). The information is being collected and will be laid on the Table of House in due course.

Manipur Secretariat Staff

846. Shri Rishang Keishing: Will the Minister of **Home Affairs** be pleased to state:

(a) the number of Lower Division and Upper Division Clerks employed in the Manipur Secretariat at present;

(b) the scales of pay and other emoluments enjoyed by them;

(c) how their scales of pay and other emoluments compared with the scales of pay and other emoluments enjoyed by their counterparts in the Secretariats of Tripura and Assam States; and

(d) the dates from which their present scales of pay and other emoluments came into effect?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) The number of Lower Division and Upper Division Clerks employed in the Manipur Secretariat on the 31st July, 1956 was 52 and 20, respectively.

(b) The scale of pay for Upper Division Clerks is Rs. 80—4—160—5—180 and that of Lower Division Clerks is Rs.55—3—118—4—130. In addition, they are eligible to Dearness Allowance at the following rates:

Pay	*Dearness Allowance*
Rs. 1 to 30	40% of pay +Rs. 6/-
Rs. 31 to 60	20% of pay + Rs. 6/-
Rs. 61 to 100	15% of pay + Rs.6/-
Rs. 101 to 1000	17½% of pay.

(c) The required information isbeing collected and will be laid on the Table of the House when received.

(d) Present scales of pay came into effect from 1-6-55. Dearness allowance came into effect from 1-4-50.

Education of the Handicapped

847. Shri M. Islamuddin: Will the Minister of **Education** be pleased to state whether any help has been given to the State of Bihar for the education of handicapped for the year 1956-57 so far?

The Deputy Minister of Education (Dr. M. M. Das): No, Sir.

अखिल भारतीय सेवाओं के पदाधिकारियों द्वारा अपील

८४८. श्री बू० चं० सोधिया : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) १९५४-५५ और १९५५-५६ में अखिल भारतीय सेवा (अनुशासन तथा

अपील) नियम, १९५५ के अधीन भारतीय प्रशासनिक सेवा और भारतीय पुलिस सेवा के कितने पदाधिकारियों ने भारत सरकार या राष्ट्रपति के पास आवेदन-पत्र दिये या उनसे अपील की ; और

(ख) कितने आवेदन-पत्र और कितनी अपीलें अन्तिम रूप से स्वीकार हो गयीं ?

गृह-कार्य मंत्रालय में मंत्री (श्री दातार): (क) तथा (ख). अखिल भारतीय सेवा (अनुशासन तथा अपील) नियम, १९५५, पहली सितम्बर, १९५५ से लागू हुए। तब से भारतीय पुलिस सेवा के केवल दो पदाधिकारियों के आवेदन-पत्र (मेमोरियल) राष्ट्रपति के नाम आए हैं। यह आवेदन-पत्र अभी विचाराधीन हैं। भारतीय प्रशासन सेवा तथा भारतीय पुलिस सेवा के किसी भी पदाधिकारी की कोई अपील नहीं आई है।

Reorganisation of Government Offices

849. Shri D. C. Sharma: Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is proposed to introduce a "pilot scheme" for reorganisation of the existing composition of sections in the various Ministries of the Government of India;

(b) if so, whether it will result in reversion of a number of temporary Assistants who have put in fairly long service in that grade; and

(c) the number of persons likely to be thus adversely affected?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) Yes, Sir.

(b) No, Sir.

(c) Does not arise.

Assistants' Grade Examination

850. Shri D. C. Sharma: Will the Minister of **Home Affairs** be pleased to state:

(a) the total number of persons who have qualified in the Union Public Service Commission Assistants' Grade Examination held in November, 1955;

(b) the number among them who are already in Government service;

(c) the number of those who are already employed in the grade of Assistants; and

(d) the number of persons appointed against permanent and temporary posts?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) 1136.

(b) 554.

(c) 23.

(d) It is proposed to appoint 400 candidates initially against permanent vacancies, and 400 against temporary vacancies.

Mica

851. Shri V. P. Nayar: Will the Minister of **Natural Resources and Scientific Research** be pleased to lay on the Table a statement showing details of the mica available in Travancore-Cochin State and state how much mica is being extracted there at present?

The Minister of Natural Resources (Shri K. D. Malaviya): Phlogopite mica is available near Neydor and Punalur in Travancore-Cochin State.

These deposits have not been successfully exploited. Only 28 cwts. of mica was produced in this State during 1950, and no production has been reported since then.

दिल्ली की प्राचीन वैधशाला

८५२. **श्री अनिरुद्ध सिंह** : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार का ध्यान इस ओर आकर्षित किया गया है कि दिल्ली स्थित उत्तर भारत की ढाई सौ वर्ष पुरानी ऐतिहासिक वैधशाला धीरे धीरे नष्ट हो रही है ; और

(ख) यदि हां, तो क्या सरकार इसकी रक्षा तथा मुरम्मत के लिये कुछ उपाय करना चाहती है ?

शिक्षा उपमंत्री (डा० म० मो० दास) : (क) जी हां, यदि इसका संकेत जन्तर मन्तर, नई देहली की ओर है।

(ख) इसको रक्षार्थ "प्राचीन स्मारक संरक्षण अधिनियम, १९०४" के अन्तर्गत लेने का प्रश्न विचाराधीन है।

Gold

853. Shri T. B. Vittal Rao: Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) whether any steps are proposed to be taken by the Central Government during the year to step up the production of gold in view of decline in production in 1955 as compared to 1954 ; and

(b) if so, what are they?

The Minister of Natural Resources (Shri K. D. Malaviya): (a) and (b). The Central Government does not propose to take any steps during the year to set up the production of gold. The Gold Mining Companies in Mysore and Hyderabad are taking measures necessary to keep up production in the mines to maximum extent consistently with the conditions in the mines.

औद्योगिक प्रशासन

८५४. **श्री लू० चं० सोविया** : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या औद्योगिक प्रशासन कोर्स की पढ़ाई बम्बई और बंगलौर के इंस्टीच्यूट में चालू हो गयी है ;

(ख) यदि हां, तो दोनों इन्स्टीच्यूटों में कितने छात्र हैं ; और

(ग) इस कोर्स में प्रवेश पाने के लिये क्या क्या योग्यतायें हैं और उस कोर्स की अवधि और शुल्क क्या है ?

शिक्षा उपमंत्री (डा० म० मो० दास) : (क) अभी नहीं, जी ।

(ख) तथा (ग). कोर्स का पूर्ण विवरण इन्स्टीच्यूट द्वारा तैयार किया जा रहा है । तथापि स्कीम के अनुसार प्रार्थी इंजीनियरिंग और तकनीकी या उसके समान, में स्नातक हो और उसको दो वर्ष का व्यवहारिक अनुभव हो ।

Vedika Gurukula

855. Shri Ram Dass: Will the Minister of **Education** be pleased to state:

(a) whether it is a fact that the Travancore-Cochin Government have sanctioned the lease of a site at Sasthan Kotta for founding a Vedika Gurukula there; and

(b) if so, the reasons why the Board has not been able to establish this Gurukula as yet?

The Deputy Minister of Education (Dr. M. M. Das): (a) and (b). Information is being collected and will be laid on the Table of the House in due course.

DAILY DIGEST

Wednesday, 22nd August, 1956]

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LOK SABHA

Wednesday, 22 August, 1956

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(*See Part I*)

12-2 P.M.

RULES COMMITTEE

MINUTES

Sardar Hukam Singh (Kapurthala-Bhatinda): Sir, I beg to lay on the Table a copy of the Minutes of the sitting of the Rules Committee held on the 7th August, 1956. [*Placed in Library. See* No. S—347/56].

DETENTION OF A MEMBER

Shri Punnoose (Alleppey): Sir, before we proceed with the further business, I wish to refer to a matter which is causing concern in this House and outside. The paper reports say that Shri A. K. Gopalan is continuing his fast.

Mr. Speaker: The hon. Member did not know about it after he came to the House?

Shri Punnoose: I knew it.

Mr. Speaker: He could have informed me first. He could have written to me a letter. Anyhow, inasmuch as it refers to an important personage in this House, I will allow him.

Papers to be laid on the Table; Shri K. D. Malaviya.

PAPER LAID ON THE TABLE

DRAFT MINING LEASES (MODIFICATION OF TERMS) RULES

The Minister of Natural Resources (Shri K. D. Malaviya): Sir, with your permission, I beg to lay on the Table, under section 10 of the Mines and Minerals (Regulation and Development) Act, 1948, a copy of the draft Mining Leases (Modification of Terms) Rules, 1956, framed under section 7(2) of the said Act. [*Placed in Library. See* No. S—348/56].

Shri Bansal (Jhajjar-Rewari): Sir, just a small point in regard to the paper laid on the Table now. As these draft Rules are of far-reaching importance, I would suggest that some time may be allotted to discuss the rules on the floor of the House. I would also be writing to you in this connection.

Mr. Speaker: There is a procedure to be adopted with respect to these rules. If there is a provision in the Act itself empowering Parliament to modify or amend them, time will be allotted and hon. Members may send their amendments. These draft Rules have to be approved by Parliament. A motion will be made by the Minister that they may be approved, and notices may be sent by Members.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

FIFTY-NINTH REPORT

Sardar Hukam Singh: Sir, I beg to present the Fifty-ninth Report of the Committee on Private Members' Bills and Resolutions.

PETITION *RE* MOTOR VEHICLES ACT

Mr. Speaker: Shri T. N. Viswanatha Reddy to present a petition. It does not find a place in the agenda. But it does not matter. After all, he is only presenting a petition and any hon. Member who wants to look into the petition may do so.

Shri Viswanatha Reddy (Chittoor): Sir, I beg to present a petition signed by a petitioner in respect of the Motor Vehicles Act and the Rules framed thereunder.

DETENTION OF A MEMBER

Mr. Speaker: Mr. Punnoose.

Shri Punnoose: Sir, I did not write to you about this matter earlier, because I thought in some propriety some information will be given to us.

Mr. Speaker: No, no. The position is, if notice is given, copies of it are sent to the Ministers also. The Minister will be ready with any information he has, and it will be useful.

Shri Punnoose: My hon. friend is here. I thought naturally we will get some information.

Mr. Speaker: Not every day.

Shri Punnoose: It is now seven days since he was arrested. The paper reports say that he is on a hunger strike. Our friend Shri Reddy had been there to see him, but an interview was refused by the local authorities. Shri A. K. Gopalan was refused permission to speak while the curfew was relaxed in the case of some prominent people belonging to the Congress side. Even they have refused this interview and he is being dealt with as if he is a criminal. Any Member of Parliament should be given an opportunity to meet him. He is in very indifferent health. His continued detention is causing great anxiety. I would like to know what exactly the position is. The hon. Home Minister or the Prime Minister will be able to say what the latest position is. I want to bring this to your notice.

Mr. Speaker: What is his present state of health? If an hon. Member, whoever he may be, is arrested on a charge of having committed an offence, the matter is intimated to us. If he refuses to give bail, it is open to the authorities to keep him. I want the hon. Minister to say what is his present state of health. I can ask the hon. Minister to give information regarding his present state of health.

Shri K. K. Basu (Diamond Harbour): As an interview has been refused, we are not able to know that.

Mr. Speaker: The hon. Minister himself is not here. The Minister will take notice of what has happened and he will try to enlighten the House as regards Shri Gopalan's present health.

Shri Kamath (Hoshangabad): You were just now pleased to say that Shri A. K. Gopalan has been arrested for having committed an offence. May I submit, Sir, that in other connected case, where two persons were arrested along with me for breach of the curfew order, the judicial magistrate has held that they have not committed any offence. They were acquitted and the magistrate has hold in his judgment that a breach of the curfew order *per se* is no offence, unless the prosecution also proves that such breach is likely to lead to harm or injury to others. Shri Gopalan was arrested after that judgment. You may kindly take notice of this matter and deal with it accordingly.

Shri K. K. Basu: We request that the Minister should see that the arrest was on the 17th for more breach of the curfew. Why should it take seven days to determine whether a charge-sheet should be given? It is a simple matter. You are an eminent lawyer and you know it can be decided in two or three days. We are refused even an interview and we do not know what is happening.

Mr. Speaker: I have received the following letter dated 18th August, from the Judicial Magistrate, First

Class, Ahmedabad, on the arrest and detention of a Member of the Lok Sabha:

"In accordance with High Court Criminal Circular No. 103 at page 57 of the Criminal manual, 1947, I have the honour to inform you that Shri A. K. Gopalan, a member of the Lok Sabha, had been arrested by the Ahmedabad police yesterday at about 7-30 P.M., and had been produced before me within an hour or so thereafter. He has been arrested on the allegation that he committed offences punishable under sections 143 I.P.C. and 188 I.P.C.

On being produced before me I informed Shri A. K. Gapalan that he had been accused with the commission of bailable offences and that I was prepared to release him on his executing a personal bond for due appearance in Court to stand the trial. He declined to execute any bond.

Shri A. K. Gopalan was accordingly taken into custody at 8-30 p.m. on the 17th August, 1956 and is at present lodged in the Ahmedabad Central Prison, Sabarmati, Ahmedabad."

This is the latest information that I have received. The hon. Minister may just report to the House his condition tomorrow if it is possible or get the information as early as possible and report it. Regarding other matters, I do not know what supervisory jurisdiction the Minister has over the affairs there, and regarding the bail itself. It entirely seems to be in their hands. I am not giving any opinion. Whatever is possible, the hon. Minister will place before the House.

Shri Kamath: His friends should be allowed to interview him. He is an under-trial after all.

Mr. Speaker: I do not know what jurisdiction the Minister has to allow an interview there. A copy of the proceedings will be sent to the Minister who will take all such action as is necessary.

DEMANDS FOR EXCESS GRANTS*, 1951-52

Mr. Speaker: The House will now take up discussion and voting on the Demands for Excess Grants in respect of the Budget (General) for 1951-52.

DEMAND No. 3—COMMERCIAL INTELLIGENCE AND STATISTICS

Mr. Speaker: Motion moved:

"That a sum of Rs. 4,54,715 be granted to the President to make good an excess on the grant in respect of 'Commercial Intelligence and Statistics' for the year ended the 31st day of March, 1952".

DEMAND No. 9—MINISTRY OF DEFENCE

Mr. Speaker: Motion moved:

"That a sum of Rs. 28,805 be granted to the President to make good an excess on the grant in respect of 'Ministry of Defence' for the year ended the 31st day of March, 1952".

DEMAND No. 15—ARCHAEOLOGY

Mr. Speaker: Motion moved:

"That a sum of Rs. 8,130 be granted to the President to make good an excess on the grant in respect of 'Archaeology' for the year ended the 31st day of March, 1952".

DEMAND No. 30—MISCELLANEOUS DEPARTMENTS

Mr. Speaker: Motion moved:

"That a sum of Rs. 10,41,867 be granted to the President to make good an excess on the grant in respect of 'Miscellaneous Departments' for the year ended the 31st day of March, 1952".

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*Moved with the recommendation of the President

DEMAND No. 33—SUPERANNUATION ALLOWANCES AND PENSIONS

Mr. Speaker: Motion moved:

"That a sum of Rs. 1,18,311 be granted to the President to make good an excess on the grant in respect of 'Superannuation Allowances and Pensions' for the year ended the 31st day of March, 1952".

DEMAND No. 34—MISCELLANEOUS

Mr. Speaker: Motion moved:

"That a sum of Rs. 1,25,43,893 be granted to the President to make good an excess on the grant in respect of 'Miscellaneous' for the year ended the 31st day of March, 1952".

DEMAND No. 36—MISCELLANEOUS ADJUSTMENTS BETWEEN THE UNION AND STATE GOVERNMENTS.

Mr. Speaker: Motion moved:

"That a sum of Rs. 56,852 be granted to the President to make good an excess on the grant in respect of 'Miscellaneous Adjustments between the Union and State Governments' for the year ended the 31st day of March, 1952".

DEMAND No. 42—SURVEY OF INDIA

Mr. Speaker: Motion moved:

"That a sum of Rs. 34,581 be granted to the President to make good an excess on the grant in respect of 'Survey of India' for the year ended the 31st day of March, 1952".

DEMAND No. 55—CIVIL DEFENCE

Mr. Speaker: Motion moved:

"That a sum of Rs. 13,878 be granted to the President to make good an excess on the grant in respect of 'Civil Defence' for the year ended the 31st day of March, 1952".

DEMAND No. 58—ANDAMANS AND NICOBAR ISLANDS

Mr. Speaker: Motion moved:

"That a sum of Rs. 3,24,216 be granted to the President to make good an excess on the grant in respect of 'Andamans and Nicobar Islands' for the year ended the 31st day of March, 1952".

DEMAND No. 64—MINISTRY OF NATURAL RESOURCES AND SCIENTIFIC RESEARCH

Mr. Speaker: Motion moved:

"That a sum of Rs. 88,289 be granted to the President to make good an excess on the grant in respect of 'Ministry of Natural Resources and Scientific Research' for the year ended the 31st day of March, 1952".

Shri U. M. Trivedi (Chittor): I want to rise on a point of order about these Excess Grants.

Shri K. K. Basu (Diamond Harbour): Excess committed by the otherside.

Mr. Speaker: Let him say; I will hear.

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): As the House is well aware, there are articles 115(1) and 115(2) in our Constitution about Excess grants. Wherever there is excess expenditure after the Appropriation accounts are finalised by the Comptroller and Auditor-General, he points out the excess expenditure incurred beyond the grants voted. The matter is taken to the Public Accounts Committee. The Public Accounts Committee scrutinises all the excess expenditure and recommends regularisation of the excess items of expenditure. Therefore, under article 115 (1) these demands are brought before the House for a regularisation.

The House is also aware that we have not got exchequer control as is exercised in the U.K. and other places. We have got accounts and audit together under the Comptroller and Auditor-General. We have already accepted the principles that accounts and audit should be separated and steps are being taken. Today, the position is we have to make

Payments against bills presented. There are sometimes remittances. There are sometimes remittances. accounts and therefore, the person who makes payment is not in a position to exactly know as to how much has been spent out of the grants voted by the House. Therefore, these excesses have happened. We propose to have the accounts separated from audit as early as possible and also adopt a system of payment by cheques against bills so that the person making payment may have before him the entire sum voted by Parliament, and before giving a cheque he may be in a position to say how much has been spent and debited so far out of the sum that was voted by the House. Therefore, we have to come before Parliament under article 115(1) for a vote on these Excess demands after they have been scrutinised by the Public Accounts Committee and after they have been recommended to be regularised.

At the same time, this is a very small sum. There are 129 Demands and only in 17 Demands, there has been excess and that too is to the extent of 3·29 crores against the total vote of Rs. 2194·30 crores. It comes to 0·15 ped cent. If we take an over all picture, out of a voted sum of Rs. 2194·30 crores, the expenditure incurred was Rs. 2094·82 crores. Therefore, there was a net saving of Rs. 99·48 crores, but because of certain circumstances, this happened. For example, there is the big case of Rs. 125 lakhs and odd so far as the Food and Agriculture Ministry is concerned. There, subsidy was to be given and it was not possible to know the exact amount that would be spent, and in the latter part of the year more and more was to be given either by way of subsidy or by writing up the loss. Another example is the Mica Mines Labour Welfare Fund. There the system is that there is a cess for the miners' welfare and that is collected on the export of mica to other countries out of India. That cess is collected by the Customs Department, but at the end of the year whatever is collected is to be given to the Fund. We had estimated a certain amount to be collected, but the exports went up and there was a better realisation. So, we had to give that credit to the Fund. Therefore, there is an Excess Demand.

Those are the main items. There are other small items. So, there are 17 items on which there has been some excess here and there, and therefore, we have to come before the House for voting of these Excess Demands. That is the long and short of the whole story.

Shri U. M. Trivedi: My point of order is rather more or less a point of propriety.

Shri K. K. Basu: They are so irregular in their actions.

Shri U. M. Trivedi: Not so irregular. This shows they do not care for Parliamentary control over expenditure and then they go on talking something which does not carry conviction to anybody.

The hon. Minister just now said that it was the Auditor-General who raised certain objections and on account of that these adjustments had to be made at a subsequent date, the Public Accounts Committee having made certain suggestions. This applies only to a small item of Rs. 7 lakhs, but the big amounts are there where this explanation does not fit in.

One is the expenditure of Rs. 1,25,43,893. In this case, the last sentence of the Explanatory Note says that the debits in the closing months of the year exceeded anticipations. That is to say, in the year of Grace 1952 in the month of March the Government knew that this expenditure had exceeded the anticipations. Then, how was it that the Government was sitting silent over the whole affairs from 1952 to 1956? What explanation is being offered for having carried this for a period of four years?

Shri M. C. Shah: I will just explain.

Mr. Speaker: No, no. That is not necessary. The hon. Minister will kindly note down any objections that are raised. He will have an opportunity to reply.

Shri M. C. Shah: He has raised a point of order.

Mr. Speaker: It is not a point of order. It is only about propriety. This kind of intervention or interference does not conduct to give any impression regarding this matter. After all, the House has to vote. It may vote in favour of the hon. Minister, but the other side also has to be heard.

Shri U. M. Trivedi: The second item to which I will refer is this big item of Rs. 1,67,34,160. Even a school boy knows how to calculate interest. The rate of interest is already fixed. The Government know what is the rate of interest to be charged, what is the rate of interest to be paid on all these items, that is interest on permanent loans etc. I am very sorry to say that it speaks ill of you or ill of your efficiency that you are not able to calculate the interest on permanent loans to the extent of Rs. 39,27,265. Even when the Railway Revenue Reserve Fund was disclosed to you in the very next year, how is it that you sat for four years to find out that was the excess of interest that was there to be paid and which amounted to about Rs. 15,29,000?

Then there is the question of interest on deposits of Excess Profits Tax. These were also of the current year of 1951-52. Your own Explanatory Note says that you were able to find out in that very year that this amount of Rs. 1,60,62,925 was to be charged. I am very sorry to say that this is a very sorry state of affairs that for four years Governments has been sitting tight over the expediture incurred and is trying to take shelter under a provision of law which could not be made use of unless and until some such exigencies have arisen which will indicate that for years together you were not able to make the particular adjustments. Otherwise, as the law stands, if you read the provisions of articles 113 to 117 you will be surprised to find that you cannot incur expenditure without an Appropriation Bill. The Demands are passed, the Appropriation Bill immediately follows. It is only when the Appropriation Bill is made a law that the allotments are made and that the expenditure is incurred. Mere voting of the Grants does not allow the Government to spend any money. The Appropriation Bill must be passed. The Appropriation Bill must be made into law and then only you spend money.

I do not know whether the interpretation put by you is correct, but taking the interpretation in your favour, you will be surprised to find that article 115 (1) (a) says:

> "if the amount authorised by any law made in accordance with the provisions of article 114 to be expended for a particular service for the current financial year is found to be insufficient for the purposes of that year...."

That is to say, you must wake up, you must be vigilant.

Shri Algu Rai Shastri (Azamgarh Distt.—East *cum* Ballia Distt.—West): 'You' is the Chair.

Shri U. M. Trivedi: I am sorry. I am addressing the Government. The Government should be careful enough to see that this law is followed with a greater amount of vigilance. The object of the provision in the article is that the control of Parliament must be there and Parliamentary control is only possible by making the law and by voting the Demands. The Demands are voted and the Appropriation Bill is passed. Therefore, even when the current financial year is going on if the Government finds that it cannot meet the expenditure which it has to incur on account on certain contemplated expenditure on any particular service, then in that

financial year the Government will have to come before Parliament and say: "Here we have made a mistake, and Supplementary Demands are necessary." And the Appropriation Bill of a particular nature will have then to be followed.

Even when you have got an excess expenditure, the Government will have to come before the House. Article 115 (1) (b) says:

> "if any money has been spent on any service during a financial year in excess of the amount granted for that service and for that year,"

That is only for that year and then only you can come under article 115 (1) (b). Now, this expenditure in both these cases goes from year to year. I suggest that the Government instead of tacking it on to 1951-52 or keeping it pending for such a number of years ought to have allowed it to be presented as Supplementary Demand in the same financial year and made the necessary adjustments.

Under the circumstances, I request that the House should look into this affair and see that the Government is not allowed to over-ride the provisions of the Constitution of India and that the expenditure is not incurred like this. That is, their eyes must be open, and open sufficiently in advance during the financial year itself. When the Government has said in unequivocal language that the debits in the closing months of the year exceeded estimated anticipations, I cannot see any reason whatsoever why the Supplementary Demands were not presented during that year.

Shri Ramachandra Reddi (Nellore): I want to elicit a few details from the hon. Minister, and I would be very brief.

In the introductory remarks it is pointed out that the excess have been scrutruised and recommended by the Public Accounts Committee for regularisation. I would like to ascertain from the hon. Minister whether they have to wait for the recommendation of the Public Accounts Committee to make these adjustments. The accounts of 1951-52 and the audit report were in their hands in 1953 and 1954. Soon after that, Government must have seen their way to ensure that these adjustments were made, probably, through the Supplementary Demands for Grants.

Under Demand No. 3, we find:

> "The excess was mainly due to the adjustment of debits pertaining to previous years under 'Charges in England' in respect of some of the Government of India Trade Missions abroad.".

I would like to enquire whether these amounts drawn by the members of the trade missions—most of them probably were officers—have been exempted from income-tax in later years, and if so, whether there is any rule by which such exemptions are granted.

Under Demand No. 30 relating to Miscellaneous Departments, we find that a transfer from the Consolidated Fund of India of a sum of Rs. 10,41,867 had to be made to the Mica Mines Labour Welfare Fund under the Act of 1946. I would like to ask the Minister what the cost of collections was, and how this sum of Rs. 10 lakhs odd has been distributed among the various States that were exporting mica, namely Bihar, Andhra and Rajasthan.

There are certain miscalculations with regard to these figures of collection. For instance, a Rajasthani exporter can export to Bihar, and Bihar may export it to foreign countries. In that case, Rajasthan loses the benefit of the Mica Mines Labour Welfare Fund collection, while Bihar gets it. Similarly, some exports are sent over from Bihar to Andhra, from where they are exported to other countries; in that case, Bihar loses

[Shri Ramachandra Reddy]

the benefit of the Mica Mines Labour Welfare Fund collections which are to the extent of 2½ per cent on the exports. I would like to know whether this could not be regularised by constant consultation with the railway authorities, and whether proper adjustments could not be made hereafter. I would also request the Minister to tell us the amount of money that has been adjusted out of this sum of Rs. 10 lakhs odd to these three exporting States respectively.

Then, with regard to the interest on deposits of excess profits tax, about which my hon. friend Shri U. M. Trivedi has spoken something already, I wish to know why in a case like this involving a sum of nearly Rs. 1·60 crores odd which was the interest calculated on the excess profits tax deposits, the transaction had to be postponed for such a long time. The interest must have been calculated then and there, and credited to the accounts of the excess profits tax depositors.

Surely, what is being done is an extraordinary method of dealing with things. Especially, when we find that interest calculations to the tune of Rs. 1·60 crores odd have been delayed, it causes a good deal of loss to Government.

In this connection, I would like the Minister to tell us certain details about the amount of excess profits tax deposits still available with Government, and whether all the refundable deposits under section 10 of the Finance Act of 1942 have been refunded, or whether there are still some refundable balances. I would request that a statement showing these details may be made available to the House.

I feel that Government would have been well advised to bring forward these Demands in time, and not delay it in the way in which they have done, for, the amount that is going to be regularised now is more than Rs. 3 crores, nearly one per cent of the total income or revenue of Government.

I wish that at least hereafter, Government would take the necessary care to see that these things are properly attended to and in time, so that these discrepancies and delays are avoided.

Shri K. K. Basu: A good deal has been said already about the method by which these Demands for Excess Grants are being brought forward before the House to regularise an excess expenditure, which had been incurred nearly four years ago. I would not, therefore, like to go into the details of it, but we all want that parliamentary control should be kept over the moneys that have been expended, by Government, and Government should not try to get parliamentary sanction for whatever irregularities they had committed in the course of their administration. So far as these excesses are concerned, there was no point in having waited for about four years to regularise them.

Of course, the Minister has already pointed out that there had not so long been the separation of audit from accounts. I understand that in certain Ministries, this separation has been done, and it is expected that in the course of a year or so, this would apply to most other Ministries as well.

I would now like to draw the attention of the Minister to Demand No. 9. The amount of excess involved herein is only Rs. 28,805. But in the footnote under the Demand, I find the phrase:

> "unanticipated drawal of arrears of pay and allowances by an Officer at the close of the year,".

I am not able to understand exactly the import of this particular expression. I do not know how these arrears were allowed to accumulate, because if the officers were on leave, they would have drawn their average pay or half-pay or whatever it may

be, and if they were in service, they would have drawn their full pay and allowances. But, here, we are being told that an officer had accumulated the arrears, and Government had not anticipated in that particular year that the officer would draw the amount; later on, when Government found that the officer had to draw the arrears, they noticed that the amount was likely to be in excess of the amount voted upon by Parliament.

Since it is the Defence Ministry under which this sort of thing has happened, I am rather worried. For, we have seen in the course of our work in some of the Parliamentary Committees, that certain officers of the Defence Services, who are not Indian nationals commit some irregularities, and by the time the irregularities are discovered, the officers retire and they get whatever amounts are due to them from Government; sometimes, they surrender their pension and take lump sum gratuity etc., and thus, they get out of the clutches of the legal system or the disciplinary jurisdiction of Government. The result is that when we want to take action against the officer responsible for the irregularities, we find it impossible to do so.

I would request that the Minister may give us some more details about this unanticipated drawal of arrears of pay and allowances, because it is rather unusual that any officer would have allowed such arrears to accumulate. In fact, we have been told by officers themselves and also by Government that the officers do not earn so much in excess that they can afford to keep the arrears mounting up for months and years. That being the position, I would like to know how these arrears had been allowed to go on mounting up, and how Government also did not anticipate it. Of course, I could understand that, possibly, the officer had gone on special duty to some foreign country, and it might have been difficult for Government to pay him in the currency of that particular country owing to exchange difficulties, or there might have been no dependents here to whom the money could have been paid, as is usually done in many cases, and thus, there might have been some backlog of arrears for a very small period. But normally the arrears are paid month by month. Therefore, I would like the Minister to clarify the position, because on the experience we have had in the work of some of the Parliamentary Committees, we find that officer slip out of the clutches of both disciplinary and legal jurisdiction, when we want to take steps against them.

Then I have some grouse against Demand No. 73, which also says that the excess was due to unanticipated payment of arrears of Privy purses to certain Rulers late in the year. I do not understand what is the reason for this. Of course, the grant of Privy purses is guaranteed by the Constitution. We are told that even the Prime Minister's appeal to the Princes to surrender a certain portion of the Privy purses was not of much avail. At the same time, we find that some of the Princes do not care to draw the money that is their due. Of course, it may be said that they did not need it because they had other sources of income. At the same time, the Government also did not anticipate that all these accumulated arrears would have to be paid in a particular year.

I agree that under the Constitution, the Privy purses of the Princes are not subject to tax. But I think if they are added to the other sources of income, which is taxable, possibly the slab might go up. I do not know how far that is possible. I would like the Minister to clarify this. I would also like him to explain why these arrears accrued so far as the Privy purses were concerned, which Government did not anticipate. Therefore, instead of a one-line explanatory note, Government should have given us much more facts to understand what made Government to come after four years to regularise irregular payments, or excess payments—if I may use softer language. I hope the Minister will

[Shri K. K. Basu]

convince the House as to the conditions under which they have come forward to regularise it so that before we vote, we know the real circumstances in these cases.

Shri T. N. Singh (Banaras Distt.—East): Mr. Speaker, Sir, it is a matter for satisfaction that probably for the first time in this House so far as the civil expenditure is concerned, we are discussing these excess grants. One important point that these grants should bring to the fore is the necessity for the administrative Ministries themselves to keep their own accounts. Many of the items mentioned here for which excess grants have been asked are due to failure to make adjustments in accounts in proper time or anticipate adjustments in proper time. If the Ministries themselves were keeping accounts and watching the progress of expenditure, probably these excess grants would not have occurred, and supplementary grants would have been asked for in good time.

One of the things that this august House has done, through its recommendations in the past, is to stress that accounts should be the responsibility of the administrative Ministries themselves. It is indeed regrettable that most of these excess demands relate to the Ministry of Finance, which should have been the last Ministry not to have kept a vigilant watch over progress of its expenditure.

An Hon. Member: They were watching other Ministries' expenditure.

Shri T. N. Singh: Yes, it would have been better if they had not applied their minds too much to other Ministries, if that resulted in not concentrating on their own accounts.

I think if they were actually aware of the progress of expenditure through their own accounts department, all these things could have been thought of in advance and these excess grants would not have been asked for now.

I want to draw the attention of the House especially to one thing. One of the items of excess grants is due to 'Interest on Debt and other obligations and reduction or avoidance of debt under the Ministry of Finance'. All of a sudden, it was thought, 'let us bring all these things up to date: income-tax, excess profits tax and interest charges' on them. The result is that a greater liability was created in that particular year, more than what they had ever anticipated. I ask: why this sudden anxiety for clearing up arrears of accounts in these particular sections only? There are other cases where arrears and adjustment of accounts are pending not for one or two years but more than that. And who are the parties concerned in these cases? Petty persons who made deposits with Government for this or that small thing. The deposits are not returned for one or two years. Why was no drive made to clear up such arrears? I wish something were done in that regard.

When our Public Accounts Committee goes into these cases, it has got a natural interest to see as to why certain particular adjustments only were expedited and why other cases —more deserving cases—were not taken up. The unfortunate part of it is that for devoting attention to such aspects of the problem, we have been recipients of unjust criticism from outside; I am referring to Mr. Appleby who has, in his report just published, critised the Public Accourts Committee, the Estimates Committee and, over and above all, this House, for trying to keep a watch on the finances of the country.

Shri Velayudhan (Quilon *cum* Mavelikkara-Reserved-Sch. Castes): Not because of that.

Shri T. N. Singh: Because we tried to criticise the administration. After all, what for are we here if we do

not perform this function, and see that the Administration keep well within the budget limits and that the sanctions of Parliament are duly observed or carried out? That is one of our duties, and if we do it, then somebody comes from outside, makes an *ex parte* decision, and his report is circulated to all Members. We must have all seen it. I say that that is very very unfair. I want to know whether, when writing such a report which has been sponsored by our Government that person ever thought of trying to consult the members of the Public Accounts Committee and the Estimates Committee or the Chairmen of those Committees or any Member of Parliament for that matter, as to why they did all these things.

I personally feel that these Committees perform very useful function. In fact, these excess demands that have been made are one of the results of what they have done. I am sure the general result will be good because the Ministries will realise their own responsibility for watching expenditure. That is one of the lessons which must be learnt from these excess grants that we are making today—and that is a good thing. A Ministry which does no know what it is spending, which only knows what it has been sanctioned by Parliament, and does not know how much money is spent at every stage every month of the year, cannot, I submit, function efficiently. It is rather surprising that for all these years there has been such a great resistance from the Ministries concerned to maintaining their own accounts and to being responsible for them. Why is this state of affairs? It may be said that we may have been wittingly or unwittingly responsible, as somebody has reported, for creating a sense or irrresponsibility or for preventing inculcation of a sense of responsibility among the Ministry officials. But may I ask: when we wanted them to take certain responsibilities, why were they shirked? All these years this has not been done. I am sorry to say that one of the Ministries which should have very strongly, continuously and persistently supported us, that is, the Finance Ministry, even that Ministry has failed us. That is regrettable.

I want to take this opportunity to raise the question as to who can judge the actions of this House. It is rather a serious thing. Somebody from outside country comes and makes an *ex parte* judgment and his report is publicised and circulated. We do not even know as to why, on what basis and on what grounds have all these remarks been made against Parliament, against two of its Committees which I believe—and I hope the House will agree with me—have been doing their work conscientiously.

After having referred to this aspect of the problem, I want to draw the attention of the House to one special Demand with which I have rather been connected one way or another, namely Demand No. 64. This reminds me, of, what I may probably say was, an infructuous committee, whose report hardly saw the light of day; its report was probably not published or circulated. This Committee continued for much longer time than was anticipated. This was the Hirakud Dam Enquiry Committee which consisted of only officials. Probably two separate reports were written. They did not see the light of day till our Public Accounts Committee went into the question and pressed for its publication. This Committee was continued much beyond the time and cost much beyond the anticipated expenditure. I want to draw the attention of the House to this aspect. Most committees are appointed for a particular time. They have to report by that time. The anticipations of Government in regard to the work of these committees are generally wrong. In 80 per cent of the cases, I can say without hesitation, their terms have been extended, not once but twice or even thrice. We should have a sense of proportion in such matters. I do

[Shri T. N. Singh]

not grudge a few thousands of rupees that might have been spent over this committee. Neither do I want to say much about it because I have my own views about the manner in which this Committee was appointed and functioned and made its report. That is another matter. But what I say is, we should learn from some of our past mistakes. I would strongly urge upon Government that this common feature, of appointing committees for a stated time, knowing well in advance that these committes cannot finish their work in a particular time, yet insisting on that time and then granting extensions is not proper. People who take to it as a labour of love find that in spite of all efforts they cannot finish in time and then they have to come supplicating to Government to grant extension of time. That is not proper; we should know well in advance what is the proper time which a committee would take or should take. No committee can get memoranda or replies to questionnaire within less than three months; it takes at least one month to prepare the memoranda or questionnaire; it takes sometimes 2 or 3 months to examine the witnesses and again some time more to prepare the report. Most committees are appointed only for 6 months. I do not know how it is possible for them to complete the work that is required of them within such a short space of time. I only draw the attention of the House—not that I want to put any obstruction nor is it my desire not to grant this excess money—to certain facts from which we can learn and profitably learn a good lesson.

For these reasons I have drawn the attention of the House to these points.

Shri Velayudhan: When I went through these Excess Demands, it surprised me very much to see that such insignificant but detailed accounts were not submitted to Government or the Finance Ministry in time for scrutiny or calculation. Only the other day, we passed a huge amount as Supplementary Demands—I think, amounting to about Rs. 89 crores. It has, of course, become a feature in this House to bring in Supplementary Demands off and on, get them sanctioned by the House where there is a huge majority for the ruling Party. But I would submit that all this procedure or the process by which our financial transactions are effected by this Government shows the havoc created on the economy of India. I need not state that when excess grants are brought before the Houses of Parliament, it is not a usual thing. Such excess grants come at times when there is some emergency or other difficulties for the Government to carry on normal functions. If you go through the records of the House of Commons, you will see that excess grants are rarely brought in. Even during the war time they never used to bring in excess grants except on one occasion. I do not know what the Government of India or the Finance Ministry was doing all these years to bring in now an excess Demand for an amount which was already expended in the year 1951-52. Who is responsible for this grave mistake? I am only saying about the technicalities of it; the grave error that Government has committed in bringing this at this late hour.

This is an example of the waste of the Government of India in the various Ministries. Even now the whole thing has not come up. Only for the year 1951-52, it has come out. I know the Finance Ministry will justify it. But what are the details given? What happened to the payment or submission even of the telephone bills to the proper authorities? Why was there so much delay? Who was responsible for these petty things in the Finance Ministry or other Ministries?

An example was mentioned about the Trade Mission that went to

England and some Eurpean countries and the charges levied on behalf of the High Commissioner's Office. Our High Commissioner's office is an old body; it had very good or notorious record in the past. And, I think, this is only a part of it that has been dug out and further things will have to be dug out again. I should like to know why this delay has taken place and why this excess expenditure was made. Was not the High Commissioner functioning there; had we not our Trade Missions or our financial sections there in the High Commissioner's Office?

At this time I remember a small volume that we read 2 months ago, the first part of our Auditor-General's Audit Report. I think anybody will hang down his head in shame—not only a Member of Parliament—anybody who is a decent gentleman or lady will hang his or her head down in shame after reading that small volume.

Another point was also mentioned in that about how an officer purchased a car through the High Commissioner in an illegal way. He passed it on to some of his relatives. Here is an I.C.S. Officer who does that and he has now been promoted and is functioning in one of our Embassies. This is what is happening. How is this kind of waste of expenditure to be checked? This is not my view only. It is the point of view of anybody who has got any sense of responsibility. It is the feeling of the millions of people who are suffering in the country. It is high time that Government looked into the matter as to how the finances of India are being recklessly wasted by high officers, by their subordinates over whom the Ministers have no control. That is the pity of this Government, of this so-called responsible Government, of this independent Government, that is now functioning.

1 P.M.

Sardar A. S. Saigal (Bilaspur): You are supporting the demands?

Shri Velayudhan: You can understand if you have a little common sense.

My hon. friend Shri T. N. Singh was accusing in a way the Appleby Report. That report accused Parliament. My own feeling is that even though we have got a Public Accounts Committee, or the Estimates Committee jointly functioning, or separately functioning, Parliament has not exercised complete control over the finances of the Government of India. We have no power? Why? Because the Government of India is functioning in such a way that the Members of Parliament come to know of things only after years, perhaps after the officers are dead, or have retired, or have gone abroad with their money. It is only then that we come to know about the expenditures incurred by the Government of India.

Incidentally I may say that this audit report which I mentioned a little while ago was shown to a foreign friend of mine. I read out certain portions to him, which did not take more than a couple of minutes. He asked me whether it is a Government audit report or a swindler's audit report. I am not attacking anybody; I do not want to accuse anybody personally. This is what a foreigner, who has no interest in India said.

Is it not our responsibility to see that these things do not happen year after year, not only with one Ministry, but with the Government of India as a whole? I ask: why should this excess grant be asked for. In every session of Parliament we get demands for supplementary grants. The Government of India's expenditure has gone up in an unlimited manner, because there is no proper check on it by anybody. It is being recklessly wasted. If a proper scrutiny were to be made of the expenditure which the Government of India has made during the last five years—of whose achievements, it boasts so much—it will be seen that not even one third of it has gone to the people or parties.

Sardar A. S. Saigal: Question.

Shri K. K. Basu: It has gone to the parties all right.

Shri Velayudhan: I mean the people. I am not accusing anybody. I ask Government to properly scrutinise the bills or the vouchers for expenditure incurred on telephone, on peons or chaprasis. (*Interruption*) This is a very grave matter. You are simply smiling about the expenditure that has been made. I am surprised why Members of Parliament are not serious about it. It is not a party matter. I ask in all seriousness: what is the necessity of coming up for this excess grant, even though it is only for Rs. 3 crores? Are you prepared to see that these officers who are responsible for this thing are brought to book? Have you got the power to do it? You are under the control of a bureaucracy, under the control of a very huge, strong bureaucracy. You cannot do anything. I know sometimes the Prime Minister himself was helpless against the opinions or views of the bureaucracy. That is the position today. Of course, it requires a radical change. I know this kind of waste will continue; the people of this country know that this Government is wasting their money.

Mr. Speaker: Order, order. Hon. Members ought not take advantage of this occasion and start a general discussion on the General Budget.

Shri Velayudhan: It must be a general discussion.

Mr. Speaker: Absolutely not.

There are certain demands for excess grants placed before the House. The hon. Member is quite in order if he says that the excess grants ought not to be paid, so much of the expenditure should be curtailed; or that there is no need for this excess grant, referring to particular cases. Making general remarks like reckless wastage, it is for next year, if he comes back to this House. He can reserve his remarks for the next year's General Discussion on the Budget, or the Finance Bill.

The hon. Member has spoken sufficiently long.

Shri Velayudhan: I have not concluded my speech. I was just coming to the end of my speech.

Government should examine as to why these demands for excess expenditure have been brought and people who are responsible for this should be certainly punished or brought to book. That is the only request I have to make about this matter.

Shri M. C. Shah: Sir, I am thankful to you for not allowing the hon. Member to go on in this way. I do not know whether he is an expert in finance.

Sardar A. S. Saigal: He is becoming an expert.

Shri M. C. Shah: But he will appreciate that his own accounts—he gets Rs. 4,800 per year and a daily allowance of Rs. 21 per day—when made up at the end of the year will need some adjustment. Now here is a budget of the magnitude of Rs. 2,194 crores; the sums spent, as I have already explained were Rs. 2,094 crores, or so. In fact, there was a saving of about Rs. 99 crores or so. But because of the system prevalling today there has been some excess expenditure incurred.

The hon. Member must be well aware of the fact that we have not got a complete system of exchequer control as it obtains in the United Kingdom. Here the accounting and the audit are done by the same agency, that is the Comptroller and the Auditor-General. We have so often said here that the accounting and auditing should be separate, and those who keep accounts should only make payments. Today the payments are however not made by the same officer, who keeps the accounts. Therefore the person making the payments may make some payments while he may not be well aware that he has already exceeded the demand for it.

Here, as I have already stated the excess payment for 1951-52 comes to Rs. 3.29 crores against the voted sum of Rs. 2,194 crores and odd. If the hon. Member who spoke last were to examine the demand he will find that there are two items, one for one crores and 67 lakhs and another for one crore and 25 lakhs. These two demands alone account for about Rs. 2 crores and 92 lakhs or so. The second demand of Rs. 1 crore and 25 lakhs is on account of the subsidised grain that was supplied for the whole country in the year 1951-52. One cannot anticipate correctly as to what amount of subsidy will have to be given on the amount of grain supplied to the people who wanted that. Travancore-Cochin State is the most important State in that respect.

Shri Velayudhan: Why was this not brought earlier here?

Shri M. C. Shah: The amount of Rs. 1,25 lakhs and odd is on account of the subsidy. The loss incurred had to be given. When presenting our revised estimates we were not in a position to know exactly as to how much amout was necessary. The subsidy could not be avoided; the loss could not be avoided; it had to be paid for.

Another item is for a sum of about Rs. 1,67 lakhs and odd. If the hon. Member goes through the explanation here very carefully, he will find that Rs. 1,60,00,000 or so is for interest on deposits of excess profits tax etc., paid to assessees. In the year 1951-52, there was a drive for clearance of all such cases. Most of the cases were cleared and adjusted and, therefore, we had to pay this amount. If we had taken advance payments, we had to pay interest, as provided for in the Finance Bill and the Income-tax Act. As we cleared up all these cases, we had to adjust the deposits against the assessment demands, and we had also to pay interest on the advance payments that the Government had already taken. What is wrong there? Does the hon. Member object to the clearance drive? Or does he object to interest being paid to those assessees who have already given advance payments to the Government in pursuance of a certain section of the Act?

Shri T. N. Singh: The point was only in regard to the special drive for this very section of the excess profits tax and not for clearance in respect of so many other Departments.

Shri M. C. Shah: If the hon. Member goes through the Demands very carefully, he will find that Rs. 1,60 lakhs and odd was paid as interest to these people who had made deposits to Government earlier according to a certain section of the Act. Do you mean to say that Government should not pay interest when the matters were finally adjusted? That was not expected or anticipated in the year 1951-52. It was not expected that all these income-tax cases will be disposed of according to the instructions given by the Ministry. In most of the cases the interest was to be paid and, therefore, it was paid.

There is another item of Rs. 10 lakhs and odd which, as I already explained, is in connection with the Mica Mines Labour Welfare Fund. Now these excess have arisen because there was a great deal of export of mica. When the year ended, we had to give this amount. If you see these figures, you will find that all these things cannot be anticipated. Therefore, those obligations had to be met and payments were made, and these excess payments were made as against the Demands voted.

Now there is a question about the delay in coming before the Parliament. Hon. Members very well know that appropriation accounts are prepared by the Comptroller and Auditor-General after the year has ended. He has to go through all the vouchers and see against each item that was voted by the Parliament. A big volume is always presented. Hon. Members know about the Demands

[Shri M. C. Shah]

and the details thereof. The Comptroller and Auditor-General has to go through all those details and the accounts are prepared by him. It takes about two to three years, perhaps more, to complete the accounts of the year. In this case, that is, 1951-52 accounts, the final accounts were completed on the 5th March 1955. Only when the final accounts are made up, they can just draw our attention that here was an excess amount paid, which was not voted in the Demands to that extent.

Shri Velayudhan: Because you have not submitted it in time.

Shri M. C. Shah: As provided under article 115(1) of the Constitution, we had to bring these demands for excess grants before the Parliament. Before that, we had already made the rule, which hon. Members must know very well, that is, rule 241(4) of the Rules of Procedure and Conduct of Business, under which excesses are to be regularised only after the Public Accounts Committee examines the appropriation accounts and makes its recommendations. This was done by the Public Accounts Committee in the year 1956 in the month of May in the Sixteenth Report of the Committee, and it recommended that all these excesses should be regularised under article 115(1). After that, in this session, we have come forward with these demands for excess grants. I do not understand where the delay is. There is no delay whatsoever on the part of the Finance Ministry as has been suggested by some Members. There is no delay on the part of the Government as has been suggested by some Members. That is due to the system, and as long as that system is not changed and as long as there is no complete exchequer control, these things are bound to happen in small ways and the demands for excess grants will have to be voted by the Parliament.

Shri T. N. Singh: The hon. Minister.....

Mr. Speaker: Let him finish first. I requested the hon. Minister not to intervene as and when some doubt has been raised by Members. I told him that he need not reply to it immediately, but may go on noting down the points and deal with them in his reply. If hon. Members have got any doubts arising out of the statement of the hon. Minister, they will kindly note them down, and as soon as the hon. Minister concludes, I will allow an opportunity for them to put their questions. Let there be no interruptions either way.

What is the rule that the hon. Minister referred to?

Shri M. C. Shah: Rule 241(4) of the Rules of Procedure and Conduct of Business. Under this, the excesses can be regularised only after the Public Accounts Committee examines the appropriation accounts and recommends their regularisation.

As I just informed the House, the Committee's recommendations were made in May 1956, and thereafter in this session we have come before the House with these demands for excess grants. I do not think there has been any delay which could have been avoided by the Government in bringing the matter before the House. Some time is taken by the Comptroller and Auditor-General to complete the final appropriation accounts and there are so many other difficulties as well. We have already accepted the principle of separating the accounts from the audit. We have started it in some of the Ministries, and we want to have it introduced in all the Ministries and also in the States, but there is the difficulty about the question of personnel, and there are also other difficulties. The Comptroller and Auditor-General is very keen to see that the entire scheme is expedited and there is separation of accounts from audit. Thereafter, payment will be made by cheques. When payment is made by cheques, the officer who will make payments and also keep accounts, will always have before him the sums that

are voted by the Parliament, and if there is any excess payment to be made, he will immediately stop it and bring it to the notice of the Government, and Government will immediately come to the Parliament for supplementary demands. Why should they wait for the demands for excess grants? It is no pleasure to the Government or to the Comptroller and Auditor-General or to anybody to bring forward these demands for excess grants before the House. They are equally interested in the matter. We have to explain all those things to the House and the House, as a sovereign body, is entitled to know how these excesses occurred. If hon. Members will look into these things, they will find that these could not be anticipated at that time.

I hope, with the information now supplied to the House the hon. House will be satisfied that there has been no delay and there is no demand for excess grants which could even have been anticipated. I, therefore, hope that the House will agree to these excess Demands.

Shri T. N. Singh: Sir, I wish one impression, which the hon. Minister has created, to be corrected. It is this. I do not think that the system of audit of appropriation accounts is such as to delay things in the manner indicated. What has happened is, during the past several years we were suffering under the effects of partition and post-war years, the result being that our accounts were in arrears. That is why there has been this delay. The system does not entail 3 to 4 years delay as the Minister has put it. He has blamed the system for this delay. That is, very wrong. It gives the impression as if the audit and accounts system is to be blamed for the delay. That should be corrected. I hope I am correct in what I am saying and the Minister will kindly take off the blame which he has put on the accounts system.

Shri M. C. Shah: I am not putting the blame on anybody. I only said that because of these difficulties the accounts of 1951-52 were prepared finally in March, 1955. That is the only thing I said, when there was a charge of delay on the part of the Government. I only said that it was only on the 5th March 1955 that the accounts were finally settled, thereafter the Public Accounts Committee looked into these excess Demands and passed a resolution recommending the regularisation only in May 1956. I do not want to put the blame on anybody. I rather stated that this system of separation of accounts from audit is absolutely necessary and it should be expedited as early as possible. The moment that is expedited, there will hardly be any case, or there will only be rare cases of excess Demands.

Shri Ramachandra Reddi: Sir, I want some clarification. Rule 241(4) has been referred to by the hon. Minister. Rule 241(4), reads like this:

> "If any money has been spent on any service during a financial year in excess of the amount granted by the House for that purpose, the Committee shall examine with reference to the facts of each case the circumstances leading to such an excess and make such recommendation as it may deem fit."

Does it mean that the Government *suo moto* cannot make appropriations when they have spent in excess and that they should compulsorily postpone the adjustments until it is recommended by the Public Accounts Committee?

Mr. Speaker: We had a discussion on this matter. I also want to make a few observations regarding the accounts. The budget ought to contain all the provisions which can possibly be anticipated for expenditure during the course of the year, and if they are voted and the Appropriation Bill is also passed in this House, under article 114 no money shall be spent which has not been granted by the House and is not provided for in the Appropriation Bill.

[Mr. Speaker]

But an exception has been created in article 115—an exception is always an exception and ought to be resorted to in as few instances as possible —in favour of certain new services and certain excess items which might not have been reasonably anticipated. But they must have the prior sanction of the House in the same year. As soon as the Government comes to know that it is likely to spend much more than what the House has granted, it must take the sanction. If under some unavoidable circumstances some money had to be paid just at the end of the year and there is no time to place the estimate before the House in advance by way of Supplementary Demands for Grants and obtain its permission, in those cases money can be spent for which the Consolidated Contingency Fund makes provision under article 116.

Under those circumstances, I feel that the Government ought not to remain satisfied or wait until the Audit Report comes and the Public Accounts Committee looks into it. Demand No. 75 in this case was due to the adjustment of interest on the capital invested in the Himachal Pradesh Government Transport for the years 1949-50 to 1951-52. The request for making the provision of funds was received from the State Government in March, 1952, when it was too late to ask for Supplementary Appropriation. By the 31st March, 1952 that year will be over. The budget would naturally have been presented earlier, sometime on the 28th of February, or 29th of February if it had been a leap year. Therefore, after the presentation of the budget there might not have been sufficient time to include that item by way of a Supplementary Demand. But the Finance Ministry was aware of this. They have said in this note, that it was too late to ask for Supplementary Appropriation. Why was it put off till today? As soon as they came to know of it, they ought to have come before this House. I feel that in regard to this expenditure everyday of delay has to be accounted for to the House. As soon as it comes to the notice of the Government they ought to bring it before the House for regularising it. If it is a Supplementary Demand or an Excess Demand, it must be brought before the House. In each year that passes, in each session of Parliament that passes, the Government must come to this House and say why they did not bring it before the House during that particular session, why that session was not thought of. Of course, in particular cases it might have escaped the notice of the Government.

Now, Rule 241(4) was referred to. I am afraid there is misunderstanding regarding the interpretation of this Rule. The Rule says:

> "If any money has been spent on any service during a financial year in excess of the amount granted by the House for that purpose, the Committee shall examine with the reference to the fact of each case the circumstances leading to such an excess and make such recommendation as it may deem fit."

Nowhere is it stated that the Excess Demand ought not to be placed before the House until the Public Accounts Committee looks into it.

Shri M. C. Shah: That was our interpretation.

Mr. Speaker: That is wrong.

Shri M. C. Shah: If your ruling is that way, we will follow that.

Mr. Speaker: It is not my own ruling for the first time. That interpretation does not seem to be warranted by the language of the Rule. Therefore, the Government ought not to wait so long. As soon as it comes to the notice of the Government, they must ask for regularising it. There may be cases where, with all diligence, they might not have done so and the Public Accounts Committee may just look into this matter. No

doubt, there is some force in this. If the Public Accounts Committee looks into this immediately and places the facts before the House, the House will have material for the purpose of discussing this matter, whether it ought to allow the Excess Demand or not. That would be an advantage to the House. There is no doubt about that. But, not to place it before the House even in such cases which are definitely known to the Government, saying that the Public Accounts Committee has not sent its Report, is not correct. There is no doubt regarding this matter.

I would urge upon the Government wherever it comes to notice such xcess Demands, to immediately ring them to the notice of this House and ask for Supplementary Grants or Excess Grants in such cases as are here.

Here I find a reference made in the introductory remarks. It is said here that the Public Accounts Committee sometimes suspects the *bona fides* of withholding this. Here it is said:

> "In para 7 of the above Report, the Committee have held that any established mis-classification in the Appropriation Accounts which either attracts or avoids the necessity for regularisation of any excess by Parliament, would be taken into account by them in making their recommendation to the Parliament."

Therefore, no impression ought to be created that an attempt is made to make an excess expenditure and then try to avoid or screen it away from the Parliament or the Public Accounts Committee by taking it from something else. The House must, therefore, be very careful. The Finance Ministry, at the same time, must be very careful when it comes to know about an excess expenditure. The mere fact that so far the accounts has not been separated from the audit branch is not an excuse and it ought not to be an excuse for not bringing it before the House as early as possible. Therefore, I hope hereafter there will be a change in the attitude of the Finance Ministry with regard to this point.

Shri T. N. Singh: I have one submission to make on what you have said just now. Let us suppose the procedure is that as soon as an excess is noticed in the appropriation accounts as finalised the Government comes with a Demand for Excess Grant and the House sanctions it. I take that position for my argument. Then, after six months the Public Accounts Committee will examine the same thing. Now, either that Committee, if it differs, or after going into the details of the question, which it is not possible for the Parliament to go into, has something to say, quite something other than what the House has been told or has to say about it, it would be going against a very superior body, a superior parent organisation. Then, the only option left to the Public Accounts Committee, once the Parliament has sanctioned an excess grant, is to say, 'Yes; all right'. There is nothing more left to the Public Accounts Committee to say about any grant, once it has been sanctioned by Parliament.

If the Chair will be pleased to read the rule, he will find that the rule says as follows:

> "...the Public Accounts Committee shall examine these accounts."

The Public Accounts Committee has to examine, under that rule, any excess expenditure that has been incurred or any excess payment that has been made. So, what is the purpose of the Public Accounts Committee, if it cannot exercise this function and if the House *suo moto* goes into the question and sanctions the amount? Under the rules, as you have said, it is perfectly open to the Government to ignore the Public Accounts Committee altogether and get the excess payments sanctioned by the House, once the excess payments are noticed. But, from the point of view of proper procedure,

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proper constitutional procedure and convention, will it not be better that a body of this very House, which has specialised in this kind of work, is enabled to tell this House what it thinks of it and what the House might do about it? If the accounts have to be audited the Public Accounts Committee should have an opportunity to express its opinion. Therefore, either take away the functions of the Public Accounts Committee in respect of examining the excess grants, calling for officials, questioning them as to why this was done and that was not done, or, it should be entrusted with the responsibility of going in detail into such matters. Otherwise, the functioning of the Public Accounts Committee would become very onerous and difficult once the House has given its seal of approval.

Mr. Speaker: I can give only one answer to this question. The demand for excess grants is made, after the money is spent, not in the same year itself but later. What I say is, the excess amount may be anticipated just a few days before the amount is spent. Then, it could come in by way of a supplementary grant. Therefore, what is the aid of the Public Accounts Committee so far as this aspect is concerned? That is one aspect. That is the first step.

The second step is this. Instead of spending the money away and then coming to this House for sanction, if the amount had been anticipated two or three days earlier, before the financial year came to a close, and if it had been brought to this House, then, we need not have the benefit of the Public Accounts Committee. The hon. Member said that we might not be having the benefit of the Public Accounts Committee and that we must wait for the Public Accounts Committee. But then, what is the use of waiting and then according *ex post facto* sanction?

So far as ordinary expenditure is concerned, we do not always vote to the last pie. We just vote on the approximate estimate placed before the House. But there also, if the amount is exceeded, we criticise. In the circumstances, I would think of an alternative procedure. It will be this way. Instead of waiting for an indefinite number of years, as soon as the Finance Ministry finds that an excess payment has been made, within two or three days, I will ask the Public Accounts Committee to look into the matter and send us an interim report. Why should we wait for the general comprehensive report of the Public Accounts Committee? We shall ask the Public Accounts Committee to make an interim report on the particular items. Let them go into them. We shall be benefited by their advice. My whole object is not to wait till the entire process is finished. At the same time, my object is to see to it that the Public Accounts Committee goes into these matters and also the Auditor-General looks into these matters as early as possible. There should not be a hiatus between one and the other.

I shall now put the question to the vote. The question is:

> "That the respective excess sums not exceeding the amounts shown in the third column of the Order paper be granted to the President to make good the amounts spent during the year ended the 31st day of March, 1952, in respect of corresponding heads of demands entered in the second column thereof:
>
> Demands Nos. 3, 9, 15, 30, 33, 34, 36, 42, 55, 58, and 64."

The motion was adopted.

[*The motions for Demand for Excess Grants which were adopted by the Lok Sabha are reproduced below —Ed.*]

DEMAND NO. 3—COMMERCIAL INTELLIGENCE AND STATISTICS

> "That a sum of Rs. 4,54,715 be granted to the President to make good an excess on the grant in

respect of 'Commercial Intelligence and Statistics' for the year ended the 31st day of March, 1952".

DEMAND No. 9—MINISTRY OF DEFENCE

"That a sum of Rs. 28,805 be granted to the President to make good an excess on the grant in respect of 'Ministry of Defence' for the year ended the 31st day of March, 1952".

DEMAND No. 15—ARCHAEOLOGY

"That a sum of Rs. 8,130 be granted to the President to make good an excess on the grant in respect of 'Archaeology' for the year ended the 31st day of March, 1952".

DEMAND No. 30—MISCELLANEOUS DEPARTMENTS

"That a sum of Rs. 10,41,867 be granted to the President to make good an excess on the grant in respect of 'Miscellaneous Departments' for the year ended the 31st day of March, 1952.

DEMAND No. 33—SUPERANNUATION ALLOWANCES AND PENSIONS

"That a sum of Rs. 1,18,311 be granted to the President to make good an excess on the grant in respect of 'Superannuation Allowances and Pensions' for the year ended the 31st day of March 1952".

DEMAND No. 34—MISCELLANEOUS

"That a sum of Rs. 1,25,43,893 be granted to the President to make good an excess on the grant in respect of 'Miscellaneous' for the year ended the 31st day of March, 1952".

DEMAND No. 36—MISCELLANEOUS ADJUSTMENTS BETWEEN THE UNION AND STATE GOVERNMENTS.

"That a sum of Rs. 56,852 be granted to the President to make good an excess on the grant in respect of 'Miscellaneous Adjustments between the Union and State Governments' for the year ended the 31st day of March. 1952".

DEMAND No. 42—SURVEY OF INDIA

"That a sum of Rs, 34,581 be granted to the President to make good an excess on the grant in respect of 'Survey of India' for the year ended the 31st day of March, 1952".

DEMAND No. 55—CIVIL DEFENCE

"That a sum of Rs. 13,878 be granted to the President to make good an excess on the grant in respect of 'Civil Defence' for the year ended the 31st day of March, 1952".

DEMAND No. 58—ANDAMANS AND NICOBAR ISLANDS

"That a sum of Rs. 3,24,216 be granted to the President to make good an excess on the grant in respect of Andamans and Nicobar Islands' for the year ended the 31st day of March, 1952".

DEMAND No. 64—MINISTRY OF NATURAL RESOURCES AND SCIENTIFIC RESEARCH.

"That a sum of Rs. 88,289 be granted to the President to make good an excess on the grant in respect of 'Ministry of Natural Resources and Scientific Research' for the year ended the 31st day of March, 1952".

Mr. Speaker: We have disposed of the excess grants relating to 1951-52. I hope that the excess grants in respect of the years 1952-53, 1953-54 and so on will all be brought forward, all together, as early as possible.

The Minister of Trade (Shri Karmarkar): Let us hope there will not be many such cases for those years.

Shri M. C. Shah: We will prepare a note in consultation with the comptroller and Auditor-General. If there is any difficulty we will bring that difficulty to your notice.

Mr. Speaker: Yes.

MOTIONS *RE* DISPLACED PERSONS (COMPENSATION AND REHABILITATION) RULES—*concld.*

Mr. Speaker: The House will now take up further consideration of motions relating to modification of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, moved on the 13th August, 1956.

The time allotted was 3 hours. The time already taken is 1 hour and 20 minutes. The balance is 1 hour and 40 minutes. Who are the hon. Members who would like to take part in this debate today?—Shri Gidwani, Pandit Thakur Das Bhargava, Lala Achint Ram, Shri D. C. Sharma, Sardar A. S. Saigal, Shri Radha Raman and, of course, the Minister. Pandit Thakur Das Bhargava has taken already about 30 minutes. If he can conclude within 15 minutes today. I will be able to give some time to the other hon. Members.

Pandit Thakur Das Bhargava (Gurgaon): I shall try to finish within 15 minutes, though I do not think I will be able to cover all the points within that time.

First, of all, I would like to draw the attention of the House to the original amendments to the Income-tax Act which, as a matter of fact, are the predecessors to these rules and also to the Finance Act, 1956. From page 2129 of the *Parliamentary Debates* dated 30th March, 1949, you will see that I then moved the following amendment:

> "Rs. 5,000 in the case of every Hindu Undivided family which satisfies as at the end of the previous year either of the following conditions, namely:—
>
> (a) that it has at least two members entitled to a share on partition who are not less than 18 years of age;
>
> (b) that it has at least two members entitled to a share on partition neither of whom is a lineal descendant of the other and both of whom are not lineally descended from any other living member of the family;"

You will be pleased to see that two classes have been mentioned here. Firstly, all members of the family who are entitled to partition and who are more than 18 years of age. Secondly, number of the family from a separate branch with the condition that the age may not be more than 18. When moving that amendment. I submitted certain points which appear at page 2130 of the *Parliamentary Debates* dated 30th March, 1949. The points are as follows:

> "As regards the other aspects of this amendment, I would only submit that while making a compromise we have taken good care to see that it does not give any sort of preference to a Hindu over a non-Hindu and therefore we have excluded even such Hindu undivided families who are paying income-tax on," etc.

Then,

> "it contemplates two cases firstly when there are adult sharers and secondly when there are two sharers adult or otherwise provided they form the nucleus of separate branches".

So, both the branches were considered. One branch consists of the father and the son, and the second branch where it is not necessary that the boy should be more than 18 years of age.

Then, the hon. Minister of Finance brought in a Bill. The Indian Finance Amendment Bill,—on the 11th August, 1950, and the Bill was passed on the next day. An Amendment was then made. But how did he (the Finance Minister) understand the position? He said as follows through an amendment of his:

> "An Hindu undivided family would have to satisfy either:
>
> (1) that the family should have at least two members

over the age of 18 years who are entitled to claim partition, or

(2) that the family should have two members and entitled to claim partition, neither of whom is a lineal descendant of the other and both of whom are not lineal descendants from a common living ancestor".

The two conditions were:

"neither of whom is a lineal descendant of the other and both of whom are not lineally descended from any other living member of the family",

so that, if he belongs to another branch, even if he is less than 18 years of age, he could be counted for the purpose of income-tax. That was how he understood it. In moving this, he made it clear why this was necessary. He said that the husband, the wife and the minor son would also come under the provisions of this rule if the words "entitled to a share on partition" were put in, because the wife is entitled to a share on partition, though she is not entitled to claim partition. When this Bill was before the House, I raised an objection and said that in Punjab, the son is not entitled to claim partition. My friend says that the son was not contemplated at all at that time. When this Bill was discussed, it was specifically raised by me that according to the custom in Punjab, the son was not entitled to claim partition, whereupon Shri Deshmukh put an explanation like this in the Bill.

"*Explanation.*—For the purpose of this paragraph, in the case of every Hindu undivided family governed by the Mitakshara law, a son shall be deemed to be entitled to claim partition of the coparcenary property against his father or grandfather, notwithstanding any custom to the contrary."

So, the custom in Punjab was abrogated and the son was regarded as a person entitled to claim partition. This was the amendment made in 1950; namely, for the words "entitled to a share on partition" the words "entitled to claim partition" shall be substituted. This continued up to 1954. I have got the Finance Act, 1951 and I will read from it:

"(a) that it has at least two members entitled to claim partition who are not less than 18 years of age; or

(b) that it has at least two members entitled to claim partition neither of whom is a lineal descendant of the other and both of whom are not lineally descended from any other living member of the family."

These are exactly the words which were there in the original amendment. But, you will be pleased to see that the words were changed in 1955-56. They were changed like this:

"The limit referred to in the above proviso shall be—

(i) in the case of every Hindu undivided family which as at the end of the previous year had—

(a) at least two members entitled to claim partition Rs. 8,400.

(b) at least four members entitled to claim partition Rs. 12,600.

Provided that in the case referred to in sub-clause (a) none of the members and in the case referred to in sub-clause (b) none of the minimum number of four members,—

(a) is less than eighteen years of age; or

(b) is lineally descended from another member....."

This is very important; I want to bring to your notice the difference between the two:

(b) is lineally descended from another member or along with

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another member is lineally descended from any other living member of the family not entitled to claim partition....." etc.

The words "not entitled to claim partition" were added in the 1955-56 Act. It means that persons less than 18 years of age or less did not as before come under the contemplation of the law, so far as this matter is concerned. As a matter of fact, something was done by the Finance Ministry which took away the rights of line of a separate branch altogether and they were denied the benefit of the proviso. When the Compensation Bill was before this House, an amendment was moved by Shrimati Sucheta Kripalani, to which I have already made a reference. It was agreed by Shri Ajit Prasadji that the principles of the income-tax would be incorporated in this. But, when the rules were made and laid before us, in that there was no reference to the joint Hindu family. When the rules came before the Advisory Board, the Advisory Board made a report, which was accepted by the hon. Minister. In the Advisory Board report, we made the position absolutely clear. We stated like this:

".....to avoid any complaints on the basis of excessiveness of relief to such joint families, the Board has accepted the principles underlying the provisions given in the First Schedule of the Finance Bill, 1955, some of which have been in force for several years now. The Board has incorporated in the draft rules a new rule based on these principles. After the amount of compensation is determined according to these rules, the amount is to be apportioned among the members of the family, according to the provisions of the Hindu Law."

Para 2 is very important. It means this: "While making this recommendation, we are conscious of the fact that this will entail further examination of the claim applications and, on the basis of the existing scale of compensation, they may require some additional funds and there may even be some necessity for some revision of the scale. We feel that in the interests of justice *inter se* between the various categories of claimants, this recommendation has to be accepted and implemented." All the reasons and grounds brought forward by the Minister today, namely, that more money has to be found, all the applications will have to be scrutinised etc., were all considered by the Advisory Board and they said that this recommendation must be given effect to.

The Minister of Rehabilitation (Shri Mehr Chand Khanna): What is the date of the recommendation?

Pandit Thakur Das Bhargava: This was long before the rules were framed and brought to this House. The scale was put before the Board and the Board, after examining the scale, made certain suggestions. The scale was sanctioned by the hon. Minister and incorporated in the rules. The amendment they suggested for this purpose ran thus:

"(1) In the case of every Hindu undivided family which on the 14th day of August, 1947, had at least two members entitled to claim partition, the compensation shall be determined by dividing the value of the verified claims into two equal shares, assessing the compensation on each of the two shares on the basis of the scale prescribed in rule 20 and adding up the compensation on both the shares. Thereafter the amount so determined shall be apportioned by the Settlement Commissioner among the members of the family according to the provisions of Hindu Law.

(2) In the case of every Hindu undivided family which on the 14th day of August, 1947 had at least four members entitled to claim partition....." etc.

The proviso is important. We said,

"Provided that in the case referred to in (1) none of the members and in the case referred to in (2) none of the minimum number of four persons is less than 18 years of age or is lineally descended from another member or along with another member is lineally descended from any other living member, of the family entitled to claim partition".

This is exactly what obtained from 1949 to 1954. After examining the provisions, we made this recommendation but this recommendation was not accepted by the hon. Minister and he framed the rules in accordance with the provisions of the Finance Act, 1955.

That is not all. We know how the hon. Minister reacted to these rules when they were before this House. I will refer to the statements made by the hon. Minister himself which would go to show that as a matter of fact the plea that has been put forward now is a faked plea, an absolutely wrong plea, namely, that he did not know that the son as such was entitled to a share—I mean an adult son. I will refer to his own speech which would show that this is not so. I am reading from the cyclostyled proceedings of the 14th September, 1955, page 13042. The hon. Minister spoke as follows:

"लाला अचित राम इससे भले ही इत्तिफाक न करें लेकिन हमने पंजाब में यह किया है कि वहां पर भी एक बाप और उसके चार बेटों को पांच हिस्सों में ज़मीन बांटी है। अगर वह नाम जानना चाहेंगे तो मैं प्राइवेटली (निजी रूप से) उनको उनके नाम बतला दूंगा। यह नहीं किया कि बाप का एक हिस्सा और जो चार उसके जवान बेटे हैं और जो बड़े हैं उनको हमने इगनोर (उपेक्षा) कर दिया हो, उनके क्लेम (दावे) को हमने रद्द नहीं किया।"

This was about the grants. When we come to the actual rules, when these amendments were moved, Shri N. C. Chatterjee had raised the objection that there should be no distinction between adult sons and minor sons and both had absolute and inherent right by birth. This is found in page 12966. In reply the hon. Minister stated as follows:

"अब जहां तक खानदान मुश्तरका (संयुक्त परिवार) का सवाल है उसके बारे में पंडित ठाकुर दास भार्गव की थोड़ी सी मदद चाहूंगा। खानदान मुश्तरका और एक नाबालिग मेम्बर का सवाल वह तो हिन्दुस्तान के एक बड़े वकील ने उठाया है।"

Shri D. C. Sharma (Hoshiarpur): Probably he referred to you.

Pandit Thakur Das Bhargava: He referred to Mr. N. C. Chatterjee. I am not a bada vakil at all. The hon. Minister further said:

"अब मैं कुछ ज्यादा क़ानून नहीं जानता हूं लेकिन मैं यक़ीन दिलाता हूं कि मैं उसका एग्जैमिन कराऊंगा। एग्जैमिन कराने के बाद अगर रूल में अमेंडमेंट (संशोधन) की ज़रूरत हुई.....

He was going on when I interrupted and said:

"दस वर्ष से यह प्राविज़न (उपबन्ध) फाइनेंस बिल (वित्त विधेयक) में चली आती है और आपने भी वही किया है"।

This is his reply, which is most important.

"यह ठीक है, यह दुरुस्त है। चटर्जी साहब भी कहते हैं कि उससे इसका कोई ताल्लुक़ नहीं पड़ता। यह एक चीज़ मैं ने आप की सेवा में रखी थी जब आप सदर की कुर्सी पर रौनकअफ़रोज़ (सुशोभित) थे। वह चीज़ यह है कि मान लीजिये कि तीन भाई थे और एक भाई पाकिस्तान में आने से पहले मर गया और उसके दो या तीन नाबालिग बच्चे हैं। दो भाई पाकिस्तान से हिन्दुस्तान में आ गये.....

श्री मेहर चन्द खन्ना : यह असली चीज है जो आप कह रहे हैं। यह ठीक है और दुरुस्त है। आपने जो अभी चीज पढ़ी वही दुरुस्त है।

My hon. friend's interpretation is not correct.

Pandit Thakur Das Bhargava: I will read it again. I said then.

"दस वर्ष से यह प्राविज़न फाइनेंस बिल में चली आती है और आपने भी वही किया है"

श्री मेहर चन्द खन्ना : यह ठीक है यह दुरुस्त है।

Pandit Thakur Das Bhargava:

Does he want to eat away his words? While he was speaking, I interrupted him.

श्री मेहर चन्द खन्ना: ज़रा उसके आगे तो बढ़िये। He has not read it in the proper context. Let him read further.

Mr. Speaker: Read the latter portion also.

Pandit Thakur Das Bhargava: I will read the other portions also. But he cannot force me to read it. He can read it, if he wants.

"दस वर्ष से यह प्राविज़न फाइनेंस बिल में चली आती है और आपने भी वही किया है"।

Further on he says:

"बाक़ी रहा यह सवाल कि उनको आये हुए आठ वर्ष हो गये, क्लेम तो आज देने लगे और इस में तुम ने नाबालिग की उम्र ले ली १४ या १५ अगस्त, १९४७ की, यह कुछ नावाजिब नज़र आता है। हमारा इरादा यह है कि हम इसको भी एग्ज़ैमिन करायें और देखें कि कहीं इस में कोई खास दिक्कत पैदा तो नहीं होती। तो हमारा इरादा यह है कि २६ सितम्बर, १९५५ जिस दिन कि क्लेम दाखिल होने की आखिरी तारीख है उस दिन हम जो मुख्तरका खानदान हैं उसमें जो नाबालिग हैं, कानून के लिहाज़ से भी नाबालिग है और फाइनेंस ऐक्ट के हिसाब से भी नाबालिग है तो वह नाबालिग ही ले लिया जाये। अगर वह बालिग है उस दिन तो हम कंसिडर (विचार) करने के लिये तैयार हैं।"

This was the statement made by him. Whom did he refer to? In respect of the minor sons he has stated that they must be minors at the relevant date to be entitled. So far as the major son is concerned, he has stated that if they were minors in August 1947 and now they have become majors, they will be entitled. He wanted to give advantage to the major son. Otherwise, the advantage could not be extended to major sons. The son should be a major on the 26th September 1955. It could not have any other meaning. As a matter of fact, he wanted to give this advantage to those boys who were above nine years of age on 15th August 1947. It is quite true that even Ministers have minor sons and they will be able to take advantage of this. I have no objection of that. But they must be majors on the 26th September 1955. He has himself stated in his speech a few days back that he wanted to rehabilitate himself. I have no objection to his rehabilitation or to the rehabilitation of any other persons because all of them stand on the same footing.

Now the hon. Minister says that he had no knowledge, he did not know, that major sons would be included. That is an absolute myth. There is another explanation to it. You will kindly see that another amendment was made, which the hon. Minister was pleased to accept, which reads:

"*after* sub-rule (2), *insert*:

'(2A) Notwithstanding anything contained in sub-rule (2), where a deceased member of a Joint Hindu Family has left sons all of whom are less than eighteen years of age, such sons shall, for the purpose of computation of compensation, be reckoned as one member of the family'."

What does this mean? It can only have one meaning. It says that notwithstanding anything contained in sub-rule (2), not only sons above 18 years of age but even minors could be given advantage of rule (2A). Now he says that he did not know that sons above the age of 18 were not excluded by the provisions. It is not at all correct. If it is so, I would humbly ask the hon. Minister to kindly explain to me what is the meaning of this Explanation if the son is excluded? The Explanation reads like this:

> "For the purposes of this rule, in the case of every Hindu undivided family governed by the Mitakshara law, a son shall be deemed to be entitled to claim partition of the co-parcenary property against his father or grandfather, notwithstanding any custom to the contrary."

This Explanation is consistent with the fact that the son as such was included. Now to say that the son was not included is absolutely wrong. I can read out the entire speech which he made to show how he came to that conclusion. It is a case of *suppresio veri* I am very sorry that he acted in this manner. On the 13th September when he was arguing his case he said that he was only clarifying and was not doing anything new. At that time I interrupted him. While reading the proviso, you will kindly look into this, he only read a part of the proviso, he did not read these words which really are the crux of this case. While reading this proviso, he read:

> "Provided that in the case referred to in clause (a) none of the members and in the case referred to in clause (b), none of the minimum number of four members.....
>
> (i) is less than 18 years of age, or
>
> (ii) is lineally descended from another member or along with another member is lineally descended from any other living member of the joint family.."

There he stopped. The words "not entitled to claim partition" were not read by him. In that way he wanted to throw dust in the eyes of the Members of this House. He did not read the whole thing. He read only a portion as if a portion is the whole. It is absolutely wrong. You will be pleased to see that if this proviso is read, it is not susceptible of any meaning which is against the construction which I am placing before you. You have to read the whole of this rule and a plain reading of this rule will establish that it is impossible to exclude the son, it is illogical to exclude the son and it cannot be that the son could not have been within the contemplation of this Parliament when it passed this rule. Kindly read the words. The words are:

> "is less than 18 years of age; or (ii) is lineally descended from another member or along with another member is lineally descended from any other living member of the joint family not entitled to claim partition".

These words "not entitled to claim partition" govern the whole sentence. If it does not relate to the previous part the whole sentence becomes meaningless. Supposing we take it separately, as it has been contended by the hon. Minister—he has refused to read it along with the clause—what does it mean? Every person born in the Hindu family is descended from another member. If he is not, he is not entitled to partition. So the whole thing is meaningless. There is no comma, no full stop and no semi-colon. The words "not entitled to claim partition" is applicable for both parts and it should be taken in that context. If it is not so, it would be meaningless. It cannot be that any

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son, who is 18 years of age is denied the right to claim partition. I will just explain to you why this difference has been made.

2 P.M.

You will be pleased to see that in Hindu law by *Mullah* there are two classes of persons, mentioned one who are entitled to claim partition, the others who, though they are members of a joint Hindu family and are members of the coparcenary, are at the same time not entitled to claim partition. This has been brought out clearly in *Mullah* and *Maine* and in Gopal Shastri's book. I have brought them with me here, so that the House may feel convinced that, as a matter of fact, the persons who are entitled to a share are not the same who are entitled to claim partition. For instance, the mother and daughter; they are members of a Hindu family; even the widowed daughter, and even wives of coparceners. The list of persons who are not entitled to claim partition, though they are coparceners, their list is also given. For instance, an illegitimate son, a congenital idiot or lunatic, or even a blind, impotent, deaf or incapacitated person—they were not entitled to partition, though their offsprings may have been entitled.

If you see *Mullah* and *Maine*, you will be pleased to find that these two classes were separately considered by the Finance Act of 1955, and in 1955 the distinction was between persons entitled to claim partition and persons not entitled to claim partition. Out of those not entitled to claim partition the rule is, from these books, that the offspring of those persons is entitled to claim partition. Because, it is only a personal infirmity or disqualification which is not transmitted to the progeny.

Therefore, if these words were not there in the Finance Acts of 1955 and 1956, it will mean in regard to those persons who are not entitled to claim partition, that even their offsprings would have been entitled to claim partition; whereas, according to this new Explanation and this new thing introduced in 1955 and 1956, the offsprings of those persons, whether those persons are alive or not, are not entitled according to the Finance Acts, and therefore they cannot be benefited by the provisions of this law.

The position is very clear. But my friend would not read these words. Just as we have the adage "नमाज मत पढ़ा कर, अगर नापाक हो ।"

he does not read the words , "अगर नापाक हो ।"

he only reads the words "नमाज मत पढ़ा कर ।"

Again, for "सच बोलो मत झूठ बोलो"

he reads "सच बोलो मत झूठ बोलो"

instead of "सच बोलो, मत झूट बोलो"

Some words he omits and reads only the words which suit him and says 'this is the provision'. I think he ought not to have resorted to a subterfuge like this.

Apart from other considerations which I will place before you subsequently, so far as the reading of these books is concerned, so far as the clear meaning of the law is concerned and the history of the law is concerned it is plain even to a blind man that an adult son was included among those who were sought to be benefited by this rule as well as the Finance Act.

Now, the question arises as to whether on other grounds we should read into it these words. May I humbly ask him, in a Hindu joint family, if son is not the soul of the entire system of the family, who else is it? How else is the Hindu family constituted? As soon as a son is born, he gets an inherent right; by virtue of his birth he becomes entitled.

One mistake that is made by those who do not understand what the real meaning of these rules is about a minor son. It is assumed that these

who are counted as units will only get shares and not others. It is not so. According to the rules that we have made, all this inheritance will be divided according to the principles of Hindu Law, but for the purposes of calculation an adult son will be regarded as one unit. That is all. Now, according to what my hon. friend has done, he wants that the adult son may not be regarded as such. Kindly look to his amendment. What does he say? Let me find out what is the meaning of his present amendment. He says that if the father is alive, then his adult sons, or his sons—what to speak of adult sons—shall be regarded as zero. He is probably influenced by the principle of representation, which is not relevant here. In a representation, if the father is alive he gets the share. But it is not a question of getting share here. The position is that the entire proceeds of the claim will be divided between the claimants who are claimants for it according to the Hindu Law, but only for calculation whether the son should be regarded as a unit or not, the question is relevant. But according to him the position is like this. Suppose a person has five sons, A, B, C, D and E. According to him, A and B are to be excluded, because the father is alive. So far as C is concerned, suppose he is dead, he says that the widow of C may be given a right; and he says also that if he has got minor sons, then the minor sons may also be regarded as one unit. So, instead of one man, the dead son, he wants that two units may be regarded.

Shri Mehr Chand Khanna: No.

Pandit Thakur Das Bhargava: Then again, it is not all. Suppose a person has two minor sons and a major son also. What is going to happen to him? According to my hon. friend the major son will not get any right.

May I ask him to read the rule? According to the rule, those persons are such as are entitled to claim partition. May I ask him if a widow is entitled to claim partition? When the rule is passed, he will say, "I did not understand the rule in the way in which Parliament understood it; my intention was this, whatever have been the intention of the Parliament" Sir, I am one of those who framed these rules and also got these amendments passed. Nobody's intentions are to be looked to. Only the wording of the rule passed is material.

My humble submission is this. It is very clear as to who are not entitled to claim partition. The widow is not entitled; the minor son is not entitled absolutely—even he has a qualified right according to Hindu Law—. When you say in the rule members who are entitled to claim partition, and you want such persons only to be reckoned the list must consist only of those who are really entitled to claim it. And minor sons have no absolute right to partition. If this condition is waived so far as widow and minor sons are concerned, may I ask him this question? He fully knows that so far as the Hindu joint family is concerned, an illegitimate son is a member of the joint Hindu family. Will the widow of that illegitimate son and the minor son of that illegitimate son be entitled? According to this they will be entitled—which is neither Hindu Law nor good law; and whom as a matter of fact, the framers of the Hindu Law never wanted to be included.

It is not all. According to him, the widow of a deceased member—which means the mother of the father—will be included, if she is a widow. And if there are several widows, the step-mothers will be included. And the grandmother of that man will also be included—because she is a widow of a deceased member. He does not say when the member should have died. He only says 'widow of a deceased member'.

He is afraid of the living sons, that they will divide the property and they will increase the number; but

[Pandit Thakur Das Bhargava]

instead of one person who has died he has increased the number to his widow and minor sons, to the illegitimate son's widow and minor sons. And then, suppose the father is living, and his son is dead, and the grandson is not also living, but his widow and minor sons are there. They will also be included—because they were also members of the joint Hindu family. I cannot understand this logic. Instead of one member, he increases the number by six and yet wants to include them when neither the Hindu Law nor the Finance Act nor the Parliament even contemplated to include.

I would have congratulated him, if he had done the right thing—that every member of the coparcenary should be given the right to be included. Though with a view to see his hands strengthened and so that he was not asked to do the impossible, we did not increase the number. We said only those entitled on the 15th August, 1947, they alone should be entitled. He himself agreed to the increase of the number to a very great extent, for which we all congratulated him. He not only wants us to take back our congratulations, but at the same time every family of the refugees which has got sons will have no mind to congratulate him on this attempt of his. This attempt is absolutely not illogical, but is ignoble also.

Apart from that, there is another amendment which has not so far been.....

Shri Mehr Chand Khanna: The hon. Member has already spoken for 35 minutes. He spoke for half an hour the other day. Some other hon. Members wish to take part. Also I need some time to reply. Unless you extend the time for this debate, I think personally, other Members should also be given an opportunity. I would need half an hour.

Mr. Speaker: We started at 1-48. The time at our disposal is the balance of one hour and forty minutes. I assume 12 more minutes may be given. It comes to 3 o'clock.

Pandit Thakur Das Bhargava: Whether you will give me time or not, I object to any Minister rising up and telling the Speaker that as a matter of fact this man ought to be asked to discontinue. It is entirely wrong.....

Shri Mehr Chand Khanna: I never said that. I am very sorry. What I just said is .....

Mr. Speaker: The hon. Minister or any other Member need not bring it to my notice. I am here to regulate the debate.

Shri Mehr Chand Khanna: I may be permitted.....

Mr. Speaker: The hon. Minister can say what time he wants and what time I am going to allot. So far as other Members are concerned, they are sufficiently capable of taking care of themselves. Naturally, any Member who speaks looks to the Chair and it is the Chair that regulates. Any hon. Member can say that he would also like to speak and I will pull up. I am myself pulling up. The hon. Minister will no doubt see that the hon. Member resents and does not want that his opportunity to speak should be regulated by the Minister.

Shri Mehr Chand Khanna: I am not trying to regulate. I am only suggesting this. You have fixed one hour and forty minutes for the debate.

Mr. Speaker: I am also watching I am bearing all this in mind. The hon. Minister will tell me what time he wants.

Shri Mehr Chand Khanna: I need at least half an hour.

Mr. Speaker: The hon. Member will kindly conclude his speech as early as possible, in less than three minutes.

Pandit Thakur Das Bhargava: May I submit one thing for your consideration? It is quite true that three hours were allotted. We have saved 11 hours in other matters. If I have said anything which is irrelevant, it is the right of every member to object to that. This subject is very important and it affects so many helpless persons.

Mr. Speaker: I will give one more hour for these rules having regard to the number of hon. Members who want to speak. We have some time from other items. We started at 1-35. This will go up to 4-35. I will call the hon. Minister at 4 o'clock exactly. He will have 35 minutes. There are five other hon. Members. The hon. Member will kindly expedite.

Pandit Thakur Das Bhargava: I will expedite. I have said much of what I wanted to say. I beg of you to see why this debate is being elongaged. Instead of concentrating upon these rules, the hon. Minister spoke about his powers in the House and he spoke about his exploits. I think that has no relevance to this. I submitted a word or two in reply. You asked me to come to the rules. I would just like to expose his exploits also. I will take some time with your permission....

Mr. Speaker: He cannot go on indefinitely. I cannot give the hon. Member more than ten minutes.

Pandit Thakur Das Bhargava: I will finish in ten minutes. I was submitting about the adult son. This is a right which is inherent in every joint Hindu family. Last time, we passed the Hindu Succession Bill. What did we do? So far as the father's share is concerned, we first of all, set aside the share of the sons and after that was set aside, the father's share was apportioned between the sons and daughters. So far as the son is concerned, under the Hindu law his rights are fully established. Today, nobody can say that the son has no right and it depends on the good will of the Minister to give him any such rights. Not only that. On the contrary, I would go further and say that the son's rights are so well established that the son can alienate the property, he can throw away his property and do whatever he likes with his property. Therefore, my humble submission is, to exclude the son is to get the Hamlet play enacted without Hamlet. So far as logic is concerned, so far as reason is concerned, so far as the Hindu law is concerned, so far as any canon of law is concerned, we cannot ignore the son and we cannot speak of a Hindu family without the son. It is much better you take away the joint Hindu family from these rules rather than to say that a son will not be included. I would like to examine this within the time allotted to me. So far as the exploits of the hon. Minister are concerned, he has told me that he has done everything for all these people. I have seen some of his exploits and they are worth recounting. Not that I do not appreciate what he has done. I congratulated him from my place here on what he has done. At the same time, I wish to refer to the powers he has shown in replying to the humble interjection of Shri D. C. Sharma, you are too powerful. I am also of the same view that he is too powerful. No person on earth will be able to carry the House with him in these rules. I am afraid he will get these rules passed in spite of us. I will only recount some of his exploits. He said that only refugees have got the monopoly of helping the refugees. Shri Ajit Prasad Jain, Shri Jawaharlal Nehru, and Sardar Patel have done so much for the refugees. They are all non-refugees. Then, Shri Ajit Prasad ji said that he will not dislodge a single person—these are his words in this House—claimant or on-claimant refugee if he pays the price. My friend has got the credit of dislodging thousands and lakhs of persons. Shri Ajit Prasad ji said that he will take the market value; not the full market value, but eight annas. But, he has taken the market value and much more from the refugees.

Mr. Speaker: How are they relevant?

Pandit Thakur Das Bhargava: They are as relevant as his saying that he has distributed Rs. 72 crores among these people.

Mr. Speaker: That is another matter I would request the hon. Member to confine himself to the rules. This is not general discussion.

Pandit Thakur Das Bhargava: I will obey; but this part of the hon. Minister's speech will remain unreplied.

Mr. Speaker: The hon. Member has said enough.

Pandit Thakur Das Bhargava: I have not said enough. I shall refer to two or three things and finish in three or four minutes. These are the exploits.

Mr. Speaker: Again and again reference to exploits may not look good. All that he can say—I will only appeal to the hon. Member...

Pandit Thakur Das Bhargava: Let exploits go away. What he has done is this. He first makes irrational rules. Naturally agitation takes place, pressure is brought and then he chooses to agree to take only one condition away and thus he takes the credit to himself. When the Advisory body purposed to the fixation of value of allotable properties, he would not agree. When full pressure was brought on him, some even at his own instance, when people went to him with their torches and lanterns, he agreed.

Mr. Speaker: Is it part of the rule today?

Pandit Thakur Das Bhargava: It is part in this way. So far as compensation and relief to them is concerned, it does not concern them to say this after 11 months, the Home Minister did not obey the rule, treating this House lightly. We pass a rule. He would not obey. He himself issues the ukase of the Moghul. He says that the sons will not be given their right. This is not fair. He is guilty of contempt of this House, I would go further and say. After 12 months, to tell this to the refugees who were expecting that all persons will get this right, that right is to be taken away, is it fair? Is it not playing with the rights of the refugees? He is playing with the rights of the refugees. You may remember, Sir, you were pleased to send these rules to the Subordinate Legislation Committee.

[MR. DEPUTY-SPEAKER *in the chair*]

4.19 P.M.

For your consideration, Sir, I submit that in the Advisory body it was said that, the Finance Ministry's interpretation is this. We said that all the legal luminaries, Justice Mahajan, Bhakshiji and Shri N. C. Chatterjee interpreted like this. He did not relent. He passed his ukase and did not give any compensation according to the rules which we propounded. This is not all. We have the Subordinate Legislation Committee of which Shri N. C. Chatterjee is the head. The hon. the Speaker was pleased to send this rule to that body. They considered it. That is the right body for enacting these rules and not any department. It is part of the Parliament's duty to frame these rules. We have not got the time, and so we have given this power to the Ministry. The Subordinate Legislation Committee have opined—the report is in this House—that this amendment is not justified and there is no justification for taking away the rights of the sons. My humble submission, therefore, is that he wrongly included my name in this advisory body and he must be repenting now. The rule as passed should be respected. The Committee on Subordinate Legislation also took the same view. I am a very humble man, I am not in the habit of throwing challenges, but I very respectfully throw a challenge that if any person, any good lawyer, any Supreme Court

Judge or High Court Judge were to go through the rules and come to the conclusion that a son above the age of 18 was not included, I will not only apologise but do all that he wants me to do, that is, if my interpretation is wrong, but if his interpretation is wrong, I only want him to take it back.

I know his difficulties, but then he himself is responsible for those difficulties. I would have sympathised with him, I would have helped him had he come with a clean slate and a clean hand. He came here saying that the rule is this and several times suggested that according to the rule passed by us an adult son is not entitled. This is entirely worng. As a matter of fact, at the time the rule was framed, his department went into the question because this question came up, and now for him to say, and to frighten us and the Government, that if we do not pass this rule more money will have to be provided is entirely wrong, because the Government has given Rs. 185 crores and out of that between the different categories of refugees the money is to be distributed. It is not that we are doing a new thing now. We passed the rules, all these things were referred to us and we framed the scale. There is no new difficulty. He ought to accept the rule which was passed by this House and not come to the House saying that the mind of the House was the same as his or that the House was wrong. The House may be wrong. Let him show his difficulties. We are not in the frame of mind that we will not reconsider, but he has not come in that frame of mind.

I may have said some hard things, but he himself is responsible for that. He reminds me every moment I am a non-refugee. I do not care to be reminded that I am a non-refugee because I have to do my duty according to my lights, and for him to claim what he has claimed has provoked me to say some things which I would not have said but for the provocation.

Mr. Deputy-Speaker: Shri Achint Ram.

Shri Radha Raman (Delhi City): I have an amendment to move.

Mr. Deputy-Speaker: I will give Shri Radha Raman an opportunity subsequently, after the hon. Member Shri Achint Ram has spoken, but as in the meantime he has indicated his intention to move his amendment, that amendment shall also be deemed to have been moved.

Pandit Thakur Das Bhargava: Will I get an opportunity to speak on that amendment? That amendment is not before the House. Because it is an entirely new thing and an inspired thing...

Mr. Deputy-Speaker: That will be seen later. Now we have this amendment as well as the original amendment of the Government before us.

Shri Radha Raman: I beg to move:

"This House resolves that in pursuance of sub-section (3) of section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, the following sub-rule be substituted for sub-rule (3) of the rule 19 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955 as further amended by the Notification No. SRO 1161 dated the 30th April 1956, laid on the Table on the 21st July, 1956, namely:

'(3) For the purposes of calculating the number of members of a Joint family under sub-rule (2), a person who on the relevant date—

(a) was less than eighteen years of age; or

(b) was a lineal descendant in the male line of another living member of the joint family;

[Shri Radha Raman]

shall be excluded:

Provided that where a member of a joint family has died during the period commencing on the fourteenth day of August, 1947, and ending on the relevant date leaving behind on the relevant date all or any of the following heirs namely,—

(a) a widow or widows;

(b) a son or sons (whatever the age of such son or sons);

but no lineal ascendant in the male line, then, all such heirs shall, notwithstanding anything contained in this rule, be reckoned as one member of the joint family.'

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution. "

Mr. Deputy-Speaker: Motion moved:

"This House resolves that in pursuance of sub-section (3) of section 40 of the Displaced Persons (Compensation and Rehabilitation Act, 1954, the following sub-rule be substituted for sub-rule (3) of the rule 19 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955 as further amended by the Notification No. SRO 1161 dated the 30th April, 1956, laid on the Table on the 21st July, 1956, namely:

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(a) was less than eighteen years of age; or

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shall be excluded:

Provided that where a member of a joint family has died during the period commencing on the fourteenth day of August, 1947, and ending on the relevant date leaving behind on the relevant date all or any of the following heirs, namely,—

(a) a widow or widows;

(b) a son or sons (whatever the age of such son or sons);

but no lineal ascendant in the male line, then, all such heirs shall, notwithstanding anything contained in this rule, be reckoned as one member of the joint family.'

This House recomends to Rajya Sabha that Rajya Sabha do concur in the said resolution."

लाला अचित राम (हिसार): आज कंपेन्सेशन (क्षतिपूर्ति) के रूल्स (नियम) के मुताल्लिक जो डिस्कशन (चर्चा) जारी है, उस में गवर्नमेंट ने जो पोजीशन (स्थिति) ली है वह यह है कि जैसी हालत पहले थी, वैसी ही है, उस में कोई तरमीम नहीं की जा रही है। सिर्फ क्लैरिफिकेशन (स्पष्टीकरण) करने की ही ख्वाहिश है और इस मौके का फायदा उठा कर जो माइनर बच्चे हैं और विडो हैं उन को फायदा पहुंचाया गया है। जैसा हमारे मंत्री जी का रेकार्ड है, और यह जो उन का दावा है कि जब से वह तशरीफ लाये तब से उन्होंने ऐसे ऐसे काम किये, उस का मतलब जो है उस को मैं दोहराना नहीं चाहता। उन्होंने कहा कि वह अपने को रिफ्यूजी (शरणार्थी) समझते हैं। आज रिफ्यूजी भी यह समझते हैं कि उन का नुमाइन्दा कैबिनेट में बैठा हुआ है और वह उन के खयालात की तर्जुमानी कर रहा है जिस से कि उन को फायदा पहुंच रहा है। लेकिन जो उन का दावा है वह इस तरमीम के साथ बिल्कुल मुनासिब नहीं मालूम होता है। जो तरमीम पेश की गई है, अगर उस का असली मतलब देखा जाय तो यह पता चलेगा कि दरहकीकत पहले जो फैसला किया गया, उस से कुछ इन्हेराफ किया जा रहा है, और लड़कों को जो हक था, अब उन को उस से महरूम किया जा रहा है।

बाज दफा मुंह से ऐसे अल्फाज निकलते हैं जिन का मतलब कुछ नहीं होता, लेकिन उस से कुछ तक्लीफ हो जाती है। आज डिबेट (वादविवाद) में जो हीट आई उस का यही कारण है, नहीं तो वह ऐसी शक्ल न लेता। आज बहुत से भाई समझते हैं कि जो कुछ खन्ना साहब ने और भोंसले साहब ने किया वह तमाम हिन्दुस्तान के अन्दर काबिले तारीफ है और उन्होंने उस से काफी नाम पैदा किया है। लेकिन अगर डिस्पैशनेटली (भावुकता के बिना) सोचा जाय और रूल्स को देखा जाय तो जो एक्स्प्लेनेशन (व्याख्या) नं० २ है :

"For the purposes of this rule, in the case of every Hindu undivided family governed by the Mitakshara law, a son shall be deemed to be entitled to claim partition of the coparcenary property against the father or grandfather, notwithstanding any custom to the contrary."

अगर गवर्नमेंट की बात को तस्लीम किया जाय, तो पता चल जाता है कि इस को यहां पर किस लिये दर्ज किया गया है। मैं समझता हूं कि इस के होते हुए लड़के को महरूम करने का इंटरप्रेटेशन (निर्वचन) करना या महरूम करना, दोनों ही नामुनासिब हैं। इस के अलावा जो चीज सामने पेश की गई, उस लैंग्वेज (भाषा) के अन्दर कोई नहीं है। जैसा ऊपर कहा गया कि

"is lineally descendant from another member"

तो यह दोनों को गवर्न करता है। "Family not entitled to" यह चीज दोनों को गवर्न करती है, जिस से यह भी उस का मतलब है :

"not entitled to claim partition"

पंडित ठाकुर दास भार्गव ने जो कुछ कह दिया है, उस में यह सब कुछ आ जाता है। जो सब्सीडियरी लेजिस्लेशन कमेटी (सहायक विधान समिति) है उस ने भी यह फैसला किया, साथ ही जो ऐडवाइजरी कमेटी (मंत्रणाकार समिति) है उस ने एक दफा, दो दफा, तीन दफा यह फैसला किया कि उस का यह इंटरप्रेटेशन (निर्वचन) है, लेकिन इन बातों को छोड़ कर मेरे दिमाग में यह बात आती है कि आया जो रिफ्यूजीज का मास है, उस के लिये कौन सा इंटरप्रेटेशन ठीक है। उस के बाद मेरे दिल में यह खयाल आया कि शायद यह इंटरप्रेटेशन उन लोगों के हक में हो जो कि बड़े बड़े आदमी हैं और बड़ी बड़ी प्रापर्टी (सम्पत्ति) करोड़ों रुपयों की छोड़ कर आये हैं और उन के पास रुपया जाय। लेकिन जरा गौर करें कि जो ज्वायेंट फैमिली सिस्टम (संयुक्त परिवार पद्धति) है वह बड़े बड़े खानदानों में ही नहीं है, गरीब आदमियों के दर्म्यान भी ज्वायेंट फैमिली सिस्टम है। इसलिये हमें उन का खयाल भी रखना चाहिये। हम जो भी फैसले करते हैं उस का कुछ न कुछ मकसद होता है, लेकिन उस के होते हुए भी हमें कोई ऐसा काम नहीं करना चाहिये जिस से गरीब आदमियों को चोट लगे। आज जो भी कदम हम उठाते हैं, उस में हमें इन आदमियों का खयाल कर के काम करना चाहिये। लड़के इस में न आयें, ठीक है, बड़े बड़े आदमियों के लड़के इस में नहीं आयेंगे। लेकिन जब बड़े आदमियों के मुताल्लिक यहां पर बहस हुई उस वक्त मैं ने यह अमेंडमेंट दिया था कि सीलिंग (अन्तिम सीमा) जो हो वह ५०,००० रु० की हो, दो लाख की न हो। मुझे इस से कोई चोट नहीं लगती अगर बड़े बड़े आदमियों को दो लाख रुपया मिले, लेकिन जब आप ने एक तरफ से यह फैसला कर लिया है कि कुल १८५ करोड़ रुपया दिया जाने वाला है, तो आखिर वह रुपया बंटे कैसे ? वह इस तरह से न बंटे कि गरीब आदमी को नुकसान पहुंचे। इसी लिये मैं ने अर्ज किया था कि जो सीलिंग है वह दो लाख रुपया न रख कर ५०,००० रु०

[लाला अचित राम]

रक्खी जाय। लेकिन उस वक्त मेरी बात नहीं मानी गई। मैं कहता हूं कि अगर दो करोड़ ही सीलिंग रखनी है तो कानूनी मसले में ऐसा इंटरप्रेटेशन दीजिये कि जिस से जो गरीब खान्दान हैं, उन की हालात के मुताबिक हो। मैं नहीं चाहता कि आप इस तरह से फैसला करें कि खन्ना साहब की कोशिशों से जो वातावरण बना है वह बेकार हो जाय और हमारा फैसला जो था वह आन दि होल रिफ्यूजीज (प्रायः विस्थापितों) के खिलाफ जाय। आप इस को देख कर अपना फैसला करें कि तमाम वायुमंडल जो बन गया है वह खराब न जाय क्योंकि मैं समझता हूं कि ऐसा होना न रिफ्यूजीज के भले के लिये है न मिनिस्ट्री के भले के लिये और न गवर्नमेंट के भले के लिये है। आज सुबह हम मौलाना आजाद साहब के पास भी गए डेपुटेशन ने और कहा कि ऐसी राह निकालनी चाहिये जिस से हमारा तमाम काम ठीक से चल सके और हमारे पार्लियामेंट के मेम्बर उस को मंजूर करें और उनकी समझ में यह बात आई।

Shri U. M. Trivedi: On a point of order. I would like to know if the hon. Member is pleased to speak about winning over refugees for party politics, or does he mean to say that the refugees were disloyal to the State. Perhaps he used "Government" inadvertantly instead of using the word "State". Does he mean refugees were disloyal to the State of India, and that they want to pay something to please them for the sake of the Congress Party? Is that his suggestion?

Mr. Deputy-Speaker: None of them, I suppose.

लाला अचित राम: मैं यह अर्ज कर रहा था कि जब यह तजवीज सामने आई तब यह सवाल उठा कि क्या आप चाहते हैं कि कम्पेंसेशन की रकम को बढ़ाया जावे। खन्ना साहब ने भी कहा था कि अगर ऐसा हुआ तो खर्चा बहुत बढ़ जावेगा और उन्होंने यह भी कहा था कि उनको और ज्यादा रुपये की मांग करनी पड़ेगी और उनको किसी के आगे हाथ फैलाने पड़ेंगे। मैंने यह कहा था कि हमें खन्ना साहब पर पूरा विश्वास है और अगर उनको और रुपया मांगने की जरूरत होगी तो हम सब उनके साथ होंगे और हम भी उनके साथ मिल कर हाथ फैलायेंगे। अब भी जो कुछ मिला है वह बहुत ही कम है, सिर्फ २० फीसदी है और यह कुछ भी नहीं है। वैसे भी मैं चाहता हूं कि उनको हाथ फैलाना ही चाहिये। लेकिन अगर आप यह समझते हैं कि आपको हाथ नहीं फैलाना चाहिये और साथ ही साथ यह भी आप चाहते हैं कि १८५ के अन्दर ही गुजारा हो तो मैं समझता हूं आपको कोई न कोई तजवीज निकालनी ही होगी और आपको इस मसले पर गौर करना ही होगा। ऐसा करने के लिए अगर जो सीलिंग आपने फ़िक्स की है, उसको भी बदलना पड़े तो आपको ऐसा भी करना होगा। अगर सीलिंग को कम किया गया तो मैं मानता हूं कि बहुत से लोगों को कुर्बानी करनी पड़ेगी। तो जब हम मौलाना आजाद साहब से मिले थे तो उन्होंने कहा था कि इस मामले को एग्जेक्टिव कमिटी में लाया जाए और वहां पर इस पर गौर हो सकता है। हमें चाहिये कि हम इसका कोई न कोई हल अवश्य निकालें। इसके लिए एक कमिटी बनाई जा सकती है जो कि कोई न कोई हल निकालने में मदद कर सकती है। तो अगर गवर्नमेंट पांच, दस या बीस करोड़ रुपया दे भी देती है तो उससे मैं समझता हूं कोई असर पड़ने वाला नहीं है। यह कहा गया था कि ५०,००० के बजाय अगर दो लाख की लिमिट कर दी गई तो बहुत ज्यादा फर्क नहीं पड़ेगा। मुम्किन है यह ठीक हो। लेकिन जो एक्चुअल पोजीशन है, उसे हमें देखना है। हमें देखना यह है कि अब हम क्या करें। तो मेरी तो तजवीज यही है कि एक कमिटी बनाई जाय जो इस सारे मामले पर विचार करे और हमें बताये कि इसको एक्सेप्ट (स्वीकार) कर के क्या असर पड़ सकता है।

अगर आप इस काम को नहीं चला सकेंगे तो स्कीम कोलेप्स (टूटना) तो नहीं होगी लेकिन रफ्तार बहुत धीमी हो जायेगी । लोग आज भी कहते हैं कि जो रफ्तार है वह बहुत धीमी है और बहुत डिले हो रही है और इसे तेज किया जाना चाहिए । मैं यह नहीं कहता कि कोशिश नहीं हो रही है । कोशिश अवश्य की जा रही है कि इस रफ्तार को तेज किया जाए । मैं खुश हूं कि माननीय मंत्री जी ने जो काम किया है उससे उन्होंने अपने लिए नाम पैदा कर लिया है और अच्छा रसूख पैदा कर लिया है । आज भी वह अच्छा काम कर रहे हैं और उनके जो अफसर हैं वे भी अच्छा काम कर रहे हैं । लेकिन जो छोटा स्टाफ है, मैं कोई शिकायत करने की भावना से ऐसा नहीं कह रहा हूं, वह अच्छा और ठीक काम नहीं कर रहा है । वह भी ठीक तरह से काम करे, इस का भी तरीका आपको निकालना चाहिए । आपने कहा है कि आप १० लाख रुपया हर रोज देंगे और मैं यह भी मानता हूं कि आपकी ख्वाहिश है कि १५ लाख रुपया हर रोज दिया जाए । यह सब चीज अच्छी है । लेकिन उसको एक्चुअल प्रेक्टिस (वास्तविक प्रयोग) में लाया जाना चाहिए ।

तो मैं यह कह रहा था कि एक कमिटी बनाई जाए जो कि सारे मामले पर गौर करे । अगर इस स्कीम को प्रेक्टिस में लाने से कोई ज्यादा असर पड़ने वाला नहीं है तो तो यह ठीक है लेकिन अगर इस तरह से १८५ करोड़ से गुजारा नहीं हो सकता तो स्केल को कम करने का सुझाव आपको वह दे । मैं ठाकुर दास जी के बारे में कुछ नहीं कह सकता । मैं समझता हूं कि एक रिफ्यूजी न होते हुए भी जितनी सेवा उन्होंने रिफ्यूजीज की की है वह शायद ही किसी दूसरे ने की हो । उनकी तरह का आदमी मिलना मुश्किल है । वह इस तरफ को और उस तरफ को भी लीड देने वाले हैं । उन्होंने जो खिदमत की है, वह बेमिसाल है । उधर खन्ना साहब ने भी एक रिफ्यूजी होने के नाते बहुत बड़ी खिदमत की है और उनकी हमदर्दी इन लोगों के ही साथ है । इस वास्ते मैं समझता हूं कि कोई हल निकालना मुश्किल नहीं है । तो इस वास्ते, डिप्टी स्पीकर (उपाध्यक्ष) साहब, हर कोई यह महसूस करता है कि रिफ्यूजीज का भला हो और खास तौर से उन का जो कि गरीब हैं, भला हो । इस चीज से कोई भी इन्कार नहीं करता है ।

तो आखिर में मैं यही दरख्वास्त करता हूं कि आप एक कमिटी बनावें जोकि इस मसले पर गौर करे और इस बिल की कंसिडेशन (विचार) को, जिस तरह से कि पहले किया गया था, कि दो तीन या चार रोज के लिए पोस्टपोन (स्थगित) कर दिया गया था, पोस्टपोन कर दिया जाए ताकि वह कमिटी कोई हल निकाल सके ।

श्री राघारमण : सब से पहले मैं अपनी एमेंडमेंट (संशोधन) इस सदन के सामने रखना चाहता हूं । इस सम्बन्ध में जो उसूल कम्पेंसेशन (प्रकर) के लिए हम ने कुछ अर्सा हुए पास किए थे, अब उनमें कुछ नए सुझाव वजीर साहब की तरफ से इस सदन के सामने रखे गए हैं । हमारी बदकिस्मती है कि इन रूल्ज का पहले तो फैसला करने में और फिर उसके बाद इस सदन के सामने रखने में बहुत काफी देर लग गई और अभी भी इन पर अम्ल करने में कुछ अड़चनें दिखाई पड़ रही हैं । जो तरमीमें इन उसूलों के सुधार के लिए आज इस सदन के सामने हैं उनमें करीब करीब सभी पर इत्तिफाक नजर आता है । सिर्फ एक ही धारा १९ है जिस के मातेहत सब-रूल्ज बने हैं, उस पर काफ़ी वाद-विवाद हुआ है और कुछ मतभेद नजर आते हैं । यह बात इस सदन के सभी माननीय सदस्य जानते हैं कि सरकार की तथा सारे देश की हमदर्दी उन भाइयों के साथ है जो पाकिस्तान से हिन्दुस्तान आए और यहां आ कर बसे । न सिर्फ उनको इधर आना ही पड़ा बल्कि उनको सारा धन और सम्पत्ति भी वहीं पर छोड़नी पड़ी और उनकी हालत पहले पहल काफी

[श्री राधा रमण]

अबतर रही और अब भी कुछ बहुत ज्यादा सुधार उसमें नजर नहीं आता है। यही कारण था कि सरकार ने तथा हमारे वजीर साहब ने बहुत ज्यादा सोच विचार करने के बाद यह फैसला किया कि चूंकि हमारे पास जो रकम देने के लिए है वह सीमा-युक्त है, वह बहुत महदूद है, मिनिमम और मैक्सिमम लिमिटस फिक्स (अधिकतम सीमा निर्धारित) कर दी जायें। इसी चीज को ध्यान में रख कर यह रूल्ज बनाये गए। मैं समझता हूं कि इस सदन के हर एक माननीय सदस्य की यह ख्वाहिश है कि जितनी भी ज्यादा से ज्यादा रकम हम उन शरणार्थियों को, जो कि धनिक नहीं हैं, जो कि कमजोर हैं, दे सकते हैं दें और यदि किसी शरणार्थी की अवस्था अच्छी है तो उस रकम को कम कर दिया जाए ताकि सामाजिक दृष्टि से हम गरीब आदमियों के साथ न्याय कर सकें।

यह जो धारा १९ है इस धारा में हमने यह फैसला किया था कि इसके अन्तर्गत जो कम्पेंसेशन की रकम बनती है, उसका किस तरह से बटवारा किया जाए और किस तरह से यूनिट करार दिये जायें। यह तय पाया था कि जहां एक ज्वायंट फैमिली है, एक मुश्तरका खानदान है और उसके दो या तीन सदस्य हैं तो उनको दो यूनिट मान कर चला जाएगा और चार हों या उससे ज्यादा हों तो उनको तीन मान कर चला जाएगा। इसी पर यह फैसला हुआ कि अगर रकम, मान लीजिये, ६०,००० है और दो या तीन उस ज्वायंट फैमिली के मेम्बर हैं, तो उस रकम को दो यूनिट मान कर चला जाएगा यानी ३०,००० का एक यूनिट होगा और जितने भी उस फैमिली के मैम्बर होंगे, ज्वायंट फैमिली के, उसको उसमें बांट दिया जाएगा। अगर उनकी संख्या चार या चार से ज्यादा हो तो वह रकम तीन यूनिट समझी जाएगी और तीन के मुताबिक उसको हिस्सा मिलेगा। उसमें यह भी तय किया गया था कि सब मिला कर उस मुश्तरका खानदान में जितने भी मैम्बरान होंगे इस यूनिट के मुताबिक ही हिस्सा पायेंगे और उनमें उन लड़कों का हक जो माइनर होंगे या जो विडोस (विधवाएं) होंगी भी तसलीम किया जाएगा यानी उनको भी यूनिट का एक हिस्सा माना जाएगा। १४ अगस्त, १९४७ से ले कर, जब कि पार्टीशन हुआ था, २६ अप्रैल, १९५६ तक बहुत से मुश्तर्का खानदानों में तब्दीली हो गई—अगर किसी खानदान के तीन, चार या पांच मेम्बरान थे, उन में से किसी भाई या किसी दूसरे आदमी की डैथ (मृत्यु) हो गई और उसकी बेवा और लड़का रहा, तो उन को यूनिट में कोई हक नहीं मिलता था। इस संशोधन के द्वारा मैं ने इस बात की ख्वाहिश की है कि उस की बेवा या लड़के को उस का हक मिलना चाहिए। यह समझना चाहिए कि आज भी मुश्तर्का खानदान का वह शख्स जिन्दा है, मौजूद है। अगर उस वक्त उस को हक मिलता था, तो आज भी मिलना चाहिए। इसकी वजह यह है कि हम समझते हैं कि जो खानदान पाकिस्तान में बड़ी अच्छी हालत में—आसूदा हालत में—था और पार्टीशन के बाद वह लुट-पिट कर, अपनी सारी धन सम्पत्ति खो कर हिन्दुस्तान में आया, और यहां आने के बाद अगस्त १९४७ से सितम्बर १९५६ के बीच में उसका स्वर्गवास हो गया तो उसकी बेवा और बच्चे को उस का हक मिलना चाहिए। अगर कम्पेन्सेशन के फैसले के वक्त उस शख्स को वह हक मिलता तो उस के जरिये उस की बीवी और बच्चे को भी हक मिलता। इस की वजह यह है कि अगर यह हक तस्लीम नहीं किया जाता तो इस का नतीजा यह होगा कि जिन मुश्तर्का खानदानों में जो मेम्बर १९४७ में मौजूद था, लेकिन कम्पेन्सेशन का फैसला होते वक्त—३० अप्रैल, १९५६ को—मौजूद नहीं था, तो उस की बेवा और बच्चों को कोई हक हासिल नहीं होता है, जो कि बड़ी नावाजिब बात है। यह एक ऐसी मुश्किल है, जो कि उस खानदान के लिए बड़ी तकलीफ का बायस बन सकती है और

इस तरह उस खानदान के साथ इन्साफ़ नहीं होता है । इस लिए यह जरूरी है कि इन मुशतर्का खानदानों में, जिन में औरत और बच्चे अपने पति और पिता से इस दरमियान में जुदा हो चुके हैं, उन को हक मिलना चाहिए ।

Shri D. C. Sharma: Mr. Deputy-Speaker, Sir, I have listened to the exposition of the amendment which has been moved by my hon. friend, Shri Radha Raman. I think this amendment is based upon a kind of logic which any person would fail to understand.

Shri Radha Raman wants to do justice to those who are dead, but he wants to be a party to do injustice to those who are living. I do not understand the logic of this amendment. If a man died, his widow would get something and his son would get something.

Pandit Thakur Das Bhargava: Moreover he msut die before the 26th September, 1955 and after 15th August, 1947.

Shri D. C. Sharma: But if a man is living, his children would be deprived of their rights. We all perform *shradha*. We all know of one kind of *shradha* and we are performing it. But it is left to the ingenuity of Shri Radha Raman to give us a new version of *shradha* which is to be embodied in the notification which has been issued by Government.

I think this is an amendment which is not going to do any good to the refugee.

I have been a Member of this House for the last four years, and I have noticed one tendency here, and it is that the rules have been liberalised in favour of the refugees. Maulana Azad, Pandit G. B. Pant and so many others have taken a hand in giving the refugees more concessions. The limit was raised from Rs. 50,000 to Rs. 2 lakhs. I am not going into details; I am only referring to the tendency which has been operative all these days. But what do I find in this blessed notification which is bad in law, worse in logic and worst in humanity? I find that the whole policy of Government, which has been liberal and generous to the refugees, is being negatived. And why is it being negatived? It is because the Rehabilitation Ministry has become the plaything of ingenious persons. The Rehabilitation Ministry does not know its own mind. It is changing its mind from day to day. What do you think of a Ministry which does not know its mind and which goes back to-day upon what it said yesterday and will go back to-morrow upon what it is saying to-day? This is what has been happening.

We had these rules and we discussed these rules and we passed these rules. And then there comes the notification. Was the Ministry sleeping? Was not the Ministry awake when it brought forward these rules? Did it not take everything into consideration? Did it not look at the whole thing from all points of view? No. It did not. It passed those rules in a state of semi-somnolence, if not in a state of somnolence. Now, after one year it wakes up and brings in an amendment. Not only that. Padit Thakur Das Bhargava has said that the amendment which has been put forward today is an inspired amendment. You know that even that notification is going to be amended now. I ask: can our Government machinery function in this way? Can we be playing with the refugees like this? One day you say onething, another day you say another thing, I put it to you, Sir, that this is putting the whole Government of India in a kind of awakward hole, and I think this is not desirable.

I do not think the Rehabilitation Ministry has the monopoly of wisdom in this world. These rules that we passed received the blessings of the Advisory Board. Who constituted the Advisory Board? The Board was constituted by the Rehabilitation Ministry. It is a statutory body. The notification was referred to the

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Advisory Board. They said, 'No; it is not in keeping with the spirit and letter of the law'. But the Advisory Board's recommendations were turned down.

Bakshi Tek Chand was Chairman of the Advisory Board for some time. In a note which he has sent to the Advisory Board, he has said:

> "Now that the rules have raised expectations in every Hindu family that the benefit has been extended, any attempt of misterpretation of the rules..."—

these words do not come from a man who does not know law; these are from an ex-Judge of the Punjab High Court, a man whom our own Rehabilitation Ministry appointed Chairman of the Advisory Board:

> "will be regarded as a breach of the promise contained in the rule conferred by Parliament. Not that it will be only legally wrong to do so....."

I would ask you to mark the words. The Minister said he did not know law; nor do I. But other people know law and we can accept the interpretation they give. He says:

> "Not that it will be only legally wrong to do so, but morally also if would not be justifiable now to deprive a person of the benefit which the Ministry and the Parliament agreed to confer by enacting these rules."

This is the opinion of Bakshi Tek Chand, the Chairman of this advisory body. Now, this Ministry, in its all knowing wisdom is trying to rule out that thing.

My hon. friend, Pandit Thakur Das Bhargava: referred to the financial side. I cannot understand this; I fail to understand this. The Finance Ministry gives one definition of the Joint Hindu family and the Ministry of Rehabilitation gives another definition of the Joint Hindu family. There is one thing for income-tax and there is another thing when it comes to giving relief to the persons. It is a spectacle of a house divided amongst itself. Whom are we to follow? If there is a difference between the Ministry of Finance and the Ministry of Rehabilitation, I as a layman, would vote with the Ministry of Finance because I think, they are better interpreters of these financial rules than the Ministry of Rehabilitation. This is the spectacle we are seeing.

Again, there has been a lot of talk about the joint Hindu family. Every Hindu knows what a joint Hindu family is. A joint Hindu family is known in custom, known in law, known in sacrament and in so many other things. We all know that. So many commentators have given us the interpretation of the joint Hindu family. The structure of the joint Hindu family has remained firm and secure and intact all these years. But, here comes the Ministry of Rehabilitation to give a new trend to the joint Hindu family, a trend which goes against the law of succession which we have just passed. I think this is fundamentally wrong. Nobody has power to give an interpretation of the joint Hindu family which is not sanctioned by law or by custom or by those sacred traditions which we have had. But, here are the pundits of the Rehabilitation Ministry who are trying to give us a new interpretation of this joint Hindu family. Is that fair; is that just; is that practicable? I would, therefore, appeal to you to see to it that this kind of injustice is not perpetrated.

You know it very well that we have in this House a body called Subordinate Legislation Committee and that Committee is presided over not by a Member of the Congress Party but by a Member of the Opposition an eminent ex-judge of the Calcutta High Court, a distinguished parliamentarian and, I should say, a person who is known for his legal acumen everywhere. This question was referred to the Subordinate Legislation Committee. What was the verdict of that

Committee? I know, an hon. Member of that Committee said, 'We are to discuss this question on merits and we discussed it on merits'. That Committee is representative of the whole House and to that Committee were also invited those persons who had sent amendments to the rules. That question was thrashed threadbare there. What was the verdict of the Subordinate Legislation Committee? The verdict was that this notification is not tenable and is not valid.

Now, you ignore Hindu law, you ignore the Finance Act and you ignore the testimony of an eminent judge of the High Court who was the Chairman of the Advisory Board, you ignore the views of the Subordinate Legislation Committee and you come here with a notification and an amendment of the rules, which, I think, is neither here nor there.

It has been said that this is being done for administrative reasons. What are those administrative reasons? Is administration meant to serve men or are men meant to be subordinate to administration? It is a new conception of administration that we are getting from the Rehabilitation Ministry and that conception is that the administrator is not there to serve the public but the public is there to wait upon the convenience of the officer. It will involve no end of labour What are you meant for if you are not going to put in labour on that score? The administration is there.

I will refer to the claim form of a displaced person for building plots in urban areas and other things. What is the position?

When we are speaking here, the hon. Minister is having a chat with another hon. Member. I would request him not to disturb us while we are speeking because of we are.....

Shri Mehr Chand Khanna: My col-

Mr. Deputy-Speaker: The hon. league, Shri Bhonsle is here. He is listening.....

Shri D. C. Sharma: But you have no right to talk like that

Mr. Deputy-Speaker: The hon. Member brought it to my notice and before I could give my opinion, the hon. Member has given his verdict also.

Shri D. C. Sharma: Is it wrong, Sir, to ask the hon. Minister not to have such private talks?

Mr. Deputy-Speaker: The hon. Member may continue his speech.

Shri D. C. Sharma: Now, there is the question, how did he acquire the property; whether it is ancestral property acquired by inheritance or is it purchased. The whole data is already with the Rehabilitation Ministry. I do not see why there should be so many difficulties in the solution of this problem.

Again, a new hare has been started and that is that if this rule is given effect to it would cost the Government a great deal. It is a new hare and every day the Rehabilitation Ministry is starting new hares. What does this hare mean? It means that the funds that are at the disposal of the Rehabilitation Ministry will not be adequate to meet the demands if this notification which has been issued now were not given assent to. As my hon. friend, Pandit Thakur Das Bhargava said—and others have also said—we do not want to raise the pool which is already there. It is only a question of adjustment. In view of all these things, I would say that I do not see any reason why there should be any difficulty in the acceptance of this rule.

I said at the beginning that there is nothing in the new rule which can commend itself to anybody. The legal point has been argued very extensively and very ably by my learned friend Pandit Thakur Das Bhargava and I do not want to repeat those arguments which he has already advanced. But, I would say that there is no distinction between a non-refugee and a refugee. The label does not matter. Anyone who thinks well of a refugee is a refugee and anyone who does not think well of a refugee, even if he is

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a refugee in the technical sense, ceases to be a refugee. I would say in all humility and with all earnestness that this new rule should not be brought into force.

We have other rules also. We have been rehabilitating schools and colleges. Everyone who comes to me says that hitherto there has been no trouble, no bother, no vexation.

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Everyone says that. But when you come to these rules for compensation, you find that every day there is something new which is bound to disturb the equilibrium of the people. It is not merely a question of rupees, annas and pies, though that also is very material; it is not a question of a few thousands here and a few thousands there. That also is material. But I tell you it is a psychological problem. I would request you, to ask the Ministry not to give too many psychological jolts to the refugees. The refugees are receiving new psychological jolts every day. I think this is not going to be the last psychological jolt. There will be more psychological jolts in store for them. I would beg of you, and through you the Rehabilitation Minister, not to give any more psychological shocks to the refugees. I know he is very good at heart, but what is the good of professions if you do not put those professions into practice? I would, therefore, request him to make up his mind once and for all, and not amend a rule which has already been amended, and then get that rule amended, and then send in another amendment to have that rule again amended through a private Member. Sir, I think this is not conducive to the dignity of our Rehabilitation Ministry and I would say that the whole thing should be looked at from the human angle and from the psychological angle. If that is done, I am sure the interpretation which my hon. friend Pandit Thakur Das Bhargava has put upon it will carry weight and will be passed.

सरदार अ० सि० सहगल (बिलासपुर) : रिहैबिलिटेशन मिनिस्ट्री (पुनर्वास मंत्रालय) ने जो कम्पेन्सेशन और रिहैबिलिटेशन (पुनर्वास) के रूल सन् १९५५ में बनाये थे उनके क्लाज (खण्ड) १९ में तबदीली करने के लिए यह विषय पेश किया गया है। इस पर मैं अपने विचार आपके सामने रखना चाहता हूं। इन रूल्स में सफा ३ पर क्लाज ७ के सबसेक्शन (धारा) ३ में यह दिया गया है :

"For the purposes of this Rule the expression "Member of family" means any of the following relatives of the applicant who is residing with him or is wholly or partly dependent upon him."

इसमें आप देखेंगे कि कौन कौन लोग दिये गये हैं। ये लोग इस प्रकार हैं :

"father, mother, husband, wife son or unmarried daughter"

ये लोग मेम्बर्स आफ फैमिली में आते हैं। इसके साथ ही साथ जो रूल १९ आप अमेंड करने जा रहे हैं उसके एक्सप्लेनेशन २ को आप देखें तो उसमें यह दिया हुआ है :

"*Explanation* II—for the purposes of this rule, in the case of every Hindu undivided family governed by the Mitakshara law, a son shall be deemed to be entitled to claim partition of the coparcenary property etc., etc."

मेरे कहने का मतलब यह है कि एक हिन्दू ज्वाइंट फैमिली से जो कि मिताक्षरा ला से गवर्न होता है और जो कि अनडिवाइडेड (अविभाजित) है, एक लड़के को निकालना कहां तक वाजिब होगा। अब आपके रूल पुराने हैं उसमें आपने दिया है :

"(a) two or three members entitled to claim partition, the compensation payable to such family shall be computed by dividing the verified claim into two equal shares and calculating

the compensation separately on each such share:"

जिस वक्त आप देखते हैं कि फैमिली के मेम्बर चार से नीचे हैं तो दफा ७ की सब क्लाज तीन के मुताबिक आपको लड़के को भी देने थे । मगर अब आप अगर लड़के को अलग करते हैं तो मैं नहीं समझता कि वह कहां तक सही होगा । इसके अलावा इस रूल में लिखा है :

"(b) four or more members entitled to claim partition, the compensation payable to such family shall be computed by dividing the verified claim into three equal shares and calculating the compensation separately on each such share."

अगर किसी फैमिली में चार से अधिक आदमी हैं और यदि वे क्लेम करते हैं तो आप उनको तीन हिस्सों में बांटने की बात करते हैं । मैं तो अर्ज करूंगा कि ऐसे हजारों फैमिलीज हैं जिन्होंने गैर वाजिब तरीके से अपने क्लेम आपके सामने रखे हैं । कुछ लोगों ने आपके रूल के मुताबिक ईमानदारी से अपना क्लेम किया है । लेकिन ऐसे फैमिलीज में से भी आप लड़के को निकाल रहे हैं । इस सिलसिले में मैं अर्ज करूंगा कि हमने इस सदन में जो हिन्दू सक्सेशन बिल पास किया उसमें भी हमने लड़के को हक दिया है । मैं तो यह अर्ज करूंगा कि जो आपको १८५ करोड़ रुपया मिला है उसमें से ही आप इनके क्लेम्स को एडजस्ट कर दें और लड़के को भी हक दें । अगर आपको हमारी राय मंजूर हो तो मैं अर्ज करूंगा कि आप इस हाउस से १०, १२, १५ जितने मेम्बरों को मुनासिब समझें एक कमेटी बना ल और उसके सामने यह जो रूल आप अमेंड करना चाहते हैं रखें । मैं यह मानने के लिए तैयार हूं कि जो कुछ आपने अभी तक हमारे शरणार्थी भाइयों को बसाने के लिए किया है एक अद्वतीय चीज है और वह स्वर्णाक्षरों में लिखा जायेगा । इसमें कोई दो रायें नहीं हो सकतीं । लेकिन आप एक नया रूल बनायेंगे । पहले जिसके मुताबिक आप अब तक काम करते रहे हैं, और अब आपके सामने कुछ दिक्कतें आ गयी हैं, इसलिए आप उसमें तबदीली करना चाहते हैं । इस वक्त हमारे मिनिस्टर आफ लीगल एफेअर्स (विधि कार्य मंत्री) भी मौजूद हैं । मैं आपके मार्फत अर्ज करना चाहता हूं कि उनसे भी इस बारे में सलाह ले ली जाये । अगर वह समझते हैं कि दिक्कतें हैं और इसको बदलना चाहिए तो बतलाया जाये कि वे कौन सी चीजें हैं जिनकी वजह से इसको बदला जा रहा है । लेकिन मैं अर्ज करूंगा कि लड़के को हक न देना ठीक नहीं है । यहां पर मान लिया गया है कि मिताक्षर ला के मुताबिक लड़के को हक मिलना चाहिए । हम ने जो हिन्दू सक्सेशन (उत्तराधिकार) बिल पास किया है उसमें भी लड़के का हक रखा है । तो फिर जब कम्पेन्सेशन मिलता है तो लड़के को क्यों अलग रखा जाये । मैं इसको वाजिब नहीं समझता । इसलिये मेरी राय है कि इस तरमीम पर विचार करने के लिए इस हाउस के मेम्बरान की एक कमेटी बनायी जाये और उसके सामने यह तरमीम रखी जाये और उसके निर्णय के बाद इसको सदन में लाकर पास किया जाये तो अच्छा होगा । मैं समझता हूं कि जो आपके मंत्रालय के बड़े लोग हैं वे आपको इसमें पूरी मदद करेंगे । लेकिन बना कमेटी के मेम्बरों की सलाह के इस तरह से उनकी सलाह लिए हुए इस तरह का रूल लाना उचित नहीं होगा और मैं पुनर्वास मंत्री महोदय से निवेदन करूंगा कि इस बात में वे जल्दी न करें और जितना अच्छा नाम उन्होंने और उनके मंत्रालय ने इस देश में पैदा किया है, उस पर आंच न आने देना चाहिए और इस थोड़ी सी चीज के लिए लोग उन पर किसी तरह की छींटाकशी करें, इसका मौका नहीं देना चाहिए ।

The Minister of Legal Affairs (Shri Pataskar): I have no desire to enter into a discussion with respect to the main point of difference as to whether

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in every case of the joint family, the son should be taken into account for the purpose of determining the number as contemplated in rule 19. Rule 19 which is now tried to be amended is a rule which has been introduced for a very specific purpose. The general principles of Hindu law, I think, have got some bearing no doubt on the question which is under discussion. But to understand the basis of this rule, it would seem that when compensation was proposed to be paid to persons, naturally all persons had to be treated alike, but there was a peculiar question so far as joint families are concerned. If joint families were to be treated as one person, then it was thought that under the peculiar features of the Hindu joint families—with respect to the other people, it was different matter and the question does not arise—naturally it was desirable that some exception must be made with regard to the way in which we should treat these joint families. Therefore, the whole idea seems to have started—whether in this Act or in the original Act, I will not enter into an argument because reasoning by analogy is not always good and in this particular case I do not think it is of much help—that the joint family should be treated a little differently in view of the peculiar conditions obtaining there. A joint family should get some more relief. Otherwise, if this rule was not there, the position will be like this. Supposing X was a person, he would get compensation on a certain basis; if Y was a joint family, and if we want to treat the whole of that family also as a person or as one unit, then Y would be entitled to the same thing as X got. But Y consisted of so many other members interested in this. The idea started with trying to give some sort of a liberal concession or equitable consideration so far as the joint family is concerned. Therefore, we have to look at this problem not from all the incidents of a joint Hindu family—that will be beside the point—but we have to start with the idea that we want by this rule to give some liberal treatement to the joint Hindu family as contrasted with an individual person. Looking at it from this point of view, naturally the question must have arisen that a joint family may consist of 3 members, 20 members, 15 members or 5 members, which is an uncertain factor, and some device had to be evolved, some method had to be followed by which we can see to what limit Government should go in the matter of giving liberal treatment to the joint Hindu family. It is from that point of view that we should look at the rule as it was framed. I believe there was no difference of opinion from this point of view.

While no doubt it is desirable to take these peculiar features of the joint Hindu family into consideration, the idea was that we must evolve some rule; otherwise, that also will not be equitable because in a joint family there may be so many members. What they tried to do in rule 19 was this:

> "Where a claim relates to a property left by the members of an undivided Hindu family in West Pakistan (hereinafter referred to as the 'joint family') the following provisions shall apply. Where a joint family consists of—
>
> (a) two or three members entitled to claim partition, the compensation payable to such family shall be computed by dividing the verified claim into two equal shares and calculating the compensation separately on each such share;"

They started by saying that two or three members were entitled to claim partition because a joint family may consist of so many members, and as we all know there are members who are entitled to claim partition and there may be members who may not

be entitled to claim partition. They started by saying two or three members entitled to claim partition, and if there are two members, they will get two shares; if there are three, then also they will get two shares. Further the rule lays down—

> "(b) four or more members entitled to claim partition, the compensation payable to such family shall be computed by dividing the verified claim into three equal shares and calculating the compensations separately on each such share;"

If there are four members, naturally it should be computed as if there were three members; if there are five, six or ten, it shall be taken as if it consisted only of three members, and on that basis the compensation should be paid and it should be distributed among the rest of the members of the joint family. That is a different matter.

It is from this point of view that the whole idea started to treat the joint Hindu family on a more liberal basis because it was thought that as compared with an individual, there are certain disadvantages as well which it is likely to suffer.

> "Provided that in the case referred to in clause (a) none of the members and in the case referred to in clause (b) none of the minimum number of four members."

Having started with this idea, there was another difficulty which confronted them. A joint family may consist of two major members and might consist of 3, 4, 5 or 6 minor members. Therefore, it was laid down that it is much better that we delete or do not take into account the minor members of the family. The rule says, therefore —"(i) is less than 18 years of age; or" That is they are minors.

There was another exception introduced here, and these are all exceptions to the ordinary principles of Hindu law. What was tried to be done by Government was to arrive at an equitable basis by which some more relief should be given to the joint families as compared with individual persons. From that point of view let us see what clause (ii), which has been a subject matter of so much discussion in the House, says:

"(ii) is lineally descended from another member. . ." For instance, it may be that the joint family consists of three brothers. As we know, there is what is called the doctrine of representation. Suppose there is to be a partition between them—I am deliberately not taking the case of a father and his son—it may be that one brother has one son, another brother has three sons and the third has more sons. It is not desirable nor consistent with the principles of partition, which obtains under the Hindu law, to take into account all these. It will not work equitably. It is, therefore, stated that we will take only those persons. In the first instance, we exclude minors. In the next place, we exclude all those who are lineally descended from another member or along with another member are lineally descended from any other living member of the joint family not entitled to claim partition. Unfortunately, after having listened very carefully to the arguments of my friend, Pandit Thakur Das Bhargava, I can only say that the arguments which he has advanced only lead me to think that probably the whole thing has not been put as clearly as it should have been, because at the moment what we can say is that it is capable of some interpretation other than the one which has been put upon it by Government so far as these matters are concerned. What the rule lays down is—

> "or alone with another member is lineally descended from any other living member of the joint family not entitled to claim partition"

It is now open to argument that, supposing there are three brothers and one of the brothers is the son of a person who is not entitled to partition on account of the fact that he

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was a born idot or belonging to other categories which are excluded from claiming partition, then what will happen? Here you exclude lineal descendants of any member as well as, along with any member lineally descended from any other living member of the joint family. That idiot may be living and he might have got sons. But if that idiot's father himself was not entitled to take any share, naturally he would not be entitled to take the same.

Pandit Thakur Das Bhargava: That is wrong according to Hindu law. He is entitled.

Shri Pataskar: Sir, I have listened patiently to the hon. Member. I expect from him the same treatment. I do not want to enter into any argument. I am only pointing out what I think is the interpretation. I have already said that I concede, the way in which this clause (2) is now worded is capable of an interpretation which is tried to be put upon it by some hon. Members of this House. I shall fairly concede that. But, having conceded that, I would like to suggest that you consider what is the Government's present intention. You should judge what they are trying to do from the point of view as to what they are doing is fair or not. It is therefore that the present amendment proposed wants to make it clear as to what the intention of the Government in the matter is. It is from that point of view, apart from all other considerations, that, as a matter of fact, this amendment should be looked at.

Pandit Thakur Das Bhargava: Then why was the explanation added?

Shri Pataskar: I am, therefore, saying, when we are considering a positive amendment which is proposed by the Government, with all the historical research as to how it happened —that may be very interesting—let us look at the amendment which the Government has proposed and see what the intention of the Government is.

Lala Achint Ram: You should answer the question put by Pandit Thakur Das Bhargava.

Shri Pataskar: I am not here as a student to answer questions. I think it must satisfy any reasonable man when I say, so far as the wording of clause (2) is concerned, it is no doubt a little ambiguous and it should not have been so. It is to clear that the amendment has been proposed. Whatever objections there may be to the clause should be on the merits of the amendment proposed. It would not carry us any further even if we might go on discussing for hours as to whether that is or that is not capable of that particular interpretation. I would, therefore, like, in my own way, to request the hon. Members to examine what is tried to be proposed so far as the present amendment is concerned. Let us therefore look at 19(1) which says:

> "Where a claim relates to a property left by the members of an undivided Hindu family in West Pakistan (hereinafter referred to as the joint family) compensation shall be computed in the manner hereinafter provided in this rule.
>
> (2) Where on the 26th September, 1955 (hereinafter referred to as the relevant date), the joint family consisted of:—
>
> (a) two or three members entitled to claim partition, the compensation payable to such family shall be computed by dividing the verified claim into two equal shares and calculating the compensation separately on each such share."

I think there is no change and there is no dispute about it. Then subclause (b) says:

> "(b) four or more members entitled to claim partition, the compensation payable to such family shall be computed by dividing the verified claim into three

equal shares and calculating the compensation separately on each such share."

Now comes the clarification by clause (3):

"(3) For the purposes of calculating the number of joint family under sub-rule (2),

(a) the following persons shall be excluded, namely:—"

This is really an attempt to clarify the matter regarding which.....

Pandit Thakur Das Bhargava: You are changing and not clarifying.

Shri Pataskar: You may call it 'changing'; I am not quarrelling for words.

Pandit Thakur Das Bhargava: When it is 'changing' it is sabotaging. Why don't you say that?

Shri Pataskar: What is now tried to be done is to make it clear as to whom shall you exclude while calculating the number of members in a joint family. We say:

"(i) except as otherwise provided in clause (c), a person who on the relevant date was less than 18 years of age;"

Minors are excluded and I think there was no dispute on the former wording. Then:

"(ii) a person who on the relevant date was a lineal descendant in the male line of another living member of the family entitled to claim partition;"

That, I submit, is just trying to make the whole position clear. They want to exclude the lineal descendants of members themselves. Then sub-clause (b) says:

"(b) a person who on the relevant date was a widow of a deceased member of the joint family shall be included:"

Here it is a case of inclusion and not exclusion. What is tried to be proposed is more liberal. They want to say that if a person has died and a widow is left then, though she may not be a member according to the present rules that govern the system of joint Hindu family in that area, she should be taken as a member. I think that, everyone will agree, is a thing which rather improves the rules to the advantage of the joint families concerned rather than otherwise. Then sub-clause (c) says:

"(c) where a deceased member of the joint family has left sons all of whom are on the relevant date less than 18 years of age, such sons shall together be reckoned as one member of the family."

This is to meet some peculiar cases as you are excluding lineal descendants. Supposing there is a brother, a person X and he has left all minor sons, according to (a)(i) all minor sons are excluded. All these minor sons are lineal descendants of that person and naturally ought not to be excluded because their ancestor had a share in it. It is from that point of view that this provision has been made that in such cases they shall be taken as one member.

These are two distinct conditions which make an improvement in the rules, an equitable improvement so far as the administration of the rules is concerned. With respect to the disputed sub-rule (2) I might say that the Government is trying to make its intention perfectly clear that they do not want to include in this not only the members of the joint Hindu family but their male discendants also. Whether they are entitled to claim partition or not is a different matter.

From that point of view I would appeal to the hon. Members that all discussion with respect to the rule not complying with every principle of the joint Hindu family is not cor-

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rect. That is not the right approach to the appreciation of this question, because, after all, it would have been open to any Government to say that a joint Hindu family is as good a person as any other person in law and, therefore, it was only entitled to the same amount of compensation, and on the same basis, as any other person would get. But, under certain peculiar circumstances, they wanted to provide something for the joint family. Therefore, what we should judge is as to whether what is being tried to be done by the Government, in order that their intention may be clear, is right or not. And I believe, considering the difficulties which are inherent, when you start making one concession as a joint family and on account of the peculiar nature, then you will have to do many things. They have tried to exclude the minors, they have tried to exclude all the lineal descendants because the member himself is there, and even if there was a partition among the brothers naturally the sons of the brothers should not have a share, but they can have a share in that brother's share. Theoretically it may be argued that they were also entitled to claim partition. That may be. But we are not dealing with the whole question of the Hindu law. We are not trying to incorporate in these rules all the principles of Hindu law. We are only trying to make some sort of an equitable adjustment, some sort of concession, so that in the matter of receiving compensation the joint families may be treated in a little better way, a little more equitably and a little more differently than what a person would ordinarily be. It is from that point of view I think, probably, this rule should be looked into.

The only thing that the rule is trying to do, as compared to the original rule, is that it tries to make the position perfectly clear. The original rule was capable of an interpretation by which, probably, there would have been some confusion. The new rule tries to remove that. From that point of view I think the amendment of Shri Radha Raman is acceptable. It would carry out the very same intention. It says:

> "This House resolves that in pursuance of sub-section (3)... etc.
>
> (3) For the purposes of calculating the number of members of a joint family under sub-rule (2), a person who on the relevant date—
>
> (a) was less than eighteen years of age; or
>
> (b) was a lineal descendant in the male line of another living member of the joint family; shall be excluded:"

I found that the drafting there was not so clear as it should be. From that point of view I recommend the amendment by Shri Radha Raman. It further says:

> "Provided that where a member of a joint family has died during the period commencing on the fourteenth day of August, 1947, and ending on the relevant date leaving behind on the relevant date all or any of the following heirs, namely,—
>
> (a) a widow or widows;
>
> (b) a son or sons (whatever the age of such son or sons);
>
> but no lineal ascendant in the male line, then all such heirs shall notwithstanding anything contained in this rule, be reckoned as one member of the joint family."

So, rule 19(1) which was the subject-matter of so much heat during the discussion was at least to some extent rather ambiguous and therefore it was decided that it would be better if the Government made their intentions clear. That is why the hon. Minister in charge of this Bill and who is in charge of the administration relating to the displaced persons

brought in this rule as amended. Whether anybody is going to get something less or more because of this amendment, I do not know.

So far as the question of joint family is concerned, there is bound to be some hardship one way or the other. There was a question, "Why do you exclude the minors?" Minors are also entitled to partition under circumstances. Therefore, we have to give some sort of fair treatment as far as it lies in our power and as far as it could be done consistently with the peculiar features of the Hindu law. Therefore, there is no point in saying that the minors should not be excluded, or in saying that the son of a living father should not be excluded. It may be that there are a few hard cases where a joint Hindu family consists of a father and two sons only, in which case the sons will not be taken into account. That may or may not be true. But in all such matters, we have to arrive at some sort of rule by which we may decide how to carry out the task. So far as I can see, this rule tries to remove the ambiguity. There were hot words exchanged. After all, what are the Government going to do? The Government are trying to give some more concessions which probably the displaced persons would not be entitled to, but for the existence of rule 19.

Pandit Thakur Das Bhargava: Not taking away concessions, but conferring concessions!

Shri Pataskar: Subsequently, the Government thought that this rule was capable of a wrong interpretation, and therefore they thought that it must be made clear. Whether one accepts it or not is a different matter, and it is for Parliament to decide what is best in the circumstances. To impute anything unfair to anybody is not good. I am not referring to any Minister, because I have heard a lot of discussion as to who did it and for what. But I think the action of any minister is the action of the Government, and for whatever has been done rightly, the credit goes to the Government. Similarly, for whatever mistakes that have been committed, the discredit for them also goes to the Government. That is the view which we naturally take and there is no question of any partiality or anything like that.

If we look into the whole thing, we will realise that what the Government are doing is to make rule 19 clear and enable it to apply to an extent which is perhaps more than originally intended. I hope the rules will be accepted by the House.

श्री गिडवानी (थाना) : मेरा विचार तो यह था कि मैं केवल इन रूल्ज (नियमों) पर ही बोलूं, लेकिन हमारे मिनिस्टर साहब ने अपने भाषण में सारे रीहैबिलिटेशन के मसले पर अपने विचार जाहिर किए । इस लिए आशा है कि आप मुझे भी इस बारे में कुछ कहने की आज्ञा देंगे ।

उपाध्यक्ष-महोदय : अगर आप समझते हैं कि उन्होंने ठीक नहीं किया, तो आप उस में क्यों जाते हैं ?

श्री गिडवानी : जनाब, मेरी बुनियादी बात यह है कि इस हाउस ने—लोक सभा ने—ये रूल्ज बनाए और श्री पाटस्कर, जिन के लिए मेरे दिल में बड़ी इज्जत है, ने भी यह माना है कि उन के वे मायने भी हो सकते हैं, जो कि पंडित ठाकुर दास भार्गव ने बताए हैं ।

पंडित ठाकुर दास भार्गव : वह खुद भी रूल्ज बनाते वक्त मेम्बर थे, उन्होंने ग़लती तब क्यों नहीं बताई ?

श्री गिडवानी : बख्शी टेकचन्द, जो कि पंजाब हाई कोर्ट के जज रह चुके हैं, श्री चटर्जी और दूसरे जितने बड़े बड़े वकील हैं, उन सब की राय यह थी ।

मैं अपने मित्र से एक सवाल करना चाहता हूं । उन्होंनेएक स्टैंचुटरी एडवाइजरी बोड (सिविहित मंत्रणाकार बोर्ड) बनाय।

[श्री गिडवानी]

उस में उन्होंने सिर्फ उन्हीं लोगों को रखा, जिन को उन्होंने पसन्द किया। मेरे जैसे तुच्छ सेवक को उन्होंने इस लायक नहीं समझा। उन्होंने समझा कि यह तो बेकार आदमी है। न ही उन्होंने डिप्टी स्पीकर साहब को रखा।

उपाध्यक्ष-महोदय : अब गिला करने का क्या फायदा ?

श्री गिडवानी : जिन लोगों को आप ने पसन्द किया, उन को आप ने चुन लिया। आप ने छः आदमी चुने। उन्होंने एक नहीं, दो नहीं, तीन दफ़ा आप को मश्विरा दिया, लेकिन आप ने उस को नहीं माना। मेरा बुनियादी एतराज़ (आपत्ति) इस बात पर है कि आया यह जम्हूरियत है—प्रजातंत्रवाद है या जो मिनिस्टर के मन में आए, वह वही कर ले। मैं इस हाउस के सामने यह बात रखना चाहता हूं कि उस ने यह कानून बनाया और उस के मुताल्लिक पंडित ठाकुर दास भार्गव ने यह चैलेंज किया कि कोई भी हाई कोर्ट या सुप्रीम कोर्ट (उच्चतम न्यायालय) का जज बताइये, जो कि इस के दूसरे मायने निकाले। हमारे मिनिस्टर साहब ने अपने दिल की पसन्द के लोगों को स्टैचुटरी एडवाइज़री बोर्ड का मेम्बर बनाया। उन्होंने दो तीन बार राय दी कि आप के मायने गलत हैं। इतना होने पर भी आज तक उस के मुताबिक अमल नहीं किया गया। मैं अर्ज करना चाहता हूं कि यह एक बिल्कुल एतराज़ की बात है—न होने लायक बात है, जो कि किसी ऐसे मिनिस्टर को, जो कि खुद रेफ़यूजी है, नहीं करनी चाहिए। मैं उस के दिल को जानता हूं। अगर वह समझता कि इस में कोई गलती है, तो वह दूसरे दिन अमेंडमेंट लाता, लेकिन यह अमेंडमेंट आई है, बेशुमार लोगों की शिकायतें सुन कर, लोगों के मुआवजे का तफ़सिया कर के, इतने महीने के बाद। मैं यह कहना चाहता हूं कि पार्लियामेंट (संसद्)—लोक सभा में—जो कुछ पास होता है, किसी मिनिस्टर (मंत्री) का उसके खिलाफ जा कर अपने मन की बात करना जम्हूरियत (लोकतन्त्र) और प्रजातंत्र के खिलाफ है और मिनिस्टर को कोई अख्तियार नहीं है कि वह इस तरह की कार्यवाही करे।

अगर आप एक स्टैचुटरी एडवाइज़री बाडी बनाते हैं, तो लोग उस में अपना टाइम देते हैं और उस पर टैक्सपेयर (करदाता) का रुपया खर्च होता है। बहुत से लोग उस में बाहर से आते हैं। इस सब के बावजूद उस बोर्ड की सिफ़ारिशों को रद्दी की टोकरी में डाल दिया जाता है। समझ में नहीं आता कि यह कैसी जम्हूरियत है।

जहां तक मेरा ताल्लुक है, मैं खुद कोई प्रापर्टी (सम्पत्ति) रखने वाला नहीं हूं। मैं तो यह कहता हूं कि प्रापर्टी होनी ही नहीं चाहिए, लेकिन इस का मतलब यह नहीं है कि जो कानून बने, मैं उस को लात मारूं।

उस कमेटी के मुताल्लिक मैं एक बात और कहा चाहता हूं। उस के चेयरमैन, बख्शी टेकचन्द, ने इस्तीफ़ा दे दिया। आप को सुन कर हैरानी होगी और मुझे तो यह सुन कर बड़ा दुख हुआ कि पंडित ठाकुर दास भार्गव के मुताल्लिक यह कहा जाता है कि वह नान-रेफ़यूजी हैं, लेकिन मैं यह पूछना चाहता हूं कि एडवाइज़री बोर्ड का चेयरमैन कौन है ? वह है सेठ चन्दूलाल पारिख। मैं जानता हूं कि वह बड़ा अच्छा और लायक आदमी है और कौंसिल आफ स्टेट का मेम्बर है, बड़ा मिल-ओनर है, करोड़पति है, लेकिन मैं यह पूछना चाहता हूं कि क्या हमारे मिनिस्टर साहब को इन छः आदमियों में कोई ऐसा योग्य आदमी देखने को नहीं मिला, जिस को वह चेयरमैन (सभा-पति) बनाते ? न पंडित ठाकुर दास भार्गव, न श्री फ़िरोज़ चन्द, न ज्ञानी गुरमुख सिंह मुसाफ़िर, न डा० अमूप सिंह और न श्रीमती सुचेता कृपालानी, जिन को वह बार बार बहिन कहते हैं, उन को योग्य दिखाई दीं और

उन्होंने एक नान-रेफ़यूजी को चेयरमैन बना दिया। उस ने भी पिछली मीटिंग में कहा कि यह गलत है, इस के मायने यही हैं। मैं मानता हूं कि रेफ़यूजी और नान-रेफ़यूजी का सवाल नहीं उठाना चाहिए, लेकिन मैं यह पूछना चाहता हूं कि बावजूद इन सब बातों के क्यों नहीं इन बातों को माना गया।

उस दिन हमारे मिनिस्टर साहब ने यह बताने की कोशिश की—लोगों पर यह असर डालने की कोशिश की कि इतने लोग क्लेम भरने वाले हैं। उन्होंने बताया कि ढाई, तीन, चार लाख एग्रीकल्चरिस्ट क्लेमेन्ट (कृषिक दावेदार) हैं और साढ़े चार लाख अरबन और रूरल प्रापर्टी के क्लेमेन्ट हैं। इस का मतलब है कि पचास लाख मालदार हो गए। मैं ने उस वक्त भी इस बारे में कहा था और बाद में मैं ने राजेन्द्रनगर और पटेलनगर और दूसरी कालोनीज़ में जा कर दरयाफ्त किया तो मुझे मालूम हुआ कि करीब पचास फ़ीसदी (प्रतिशत) क्लेमेंट हैं और पचास फ़ीसदी नान-क्लेमेंट हैं। पता नहीं, उन को मालूम होगा। लेकिन कहीं इस से गैर रिफ्यूजीज के अन्दर यह इम्प्रेशन (भाव) न फैल जाये कि सब लोग मालदार हैं, सब लोगों को क्लेम मिल गये हैं। उन के क्या क्या क्लेम हैं, कितनी जायदाद है, उस में मैं नहीं जाना चाहता, लेकिन यह गलत असर पैदा हो सकता है। मैं ने दो तीन आदमियों से पूछा, उन्होंने मुझे जो फिगर्स बताये वह ये हैं कि ईस्ट पटेल नगर में जहां पर बड़े अच्छे अच्छे अफसर रहते हैं वहां भी ६० परसेन्ट रिफ्यूजीज क्लेमेन्ट्स हैं और ४० परसेन्ट नान-क्लेमेन्ट्स हैं, लाजपतनगर में ५०, ५० परसेन्ट हैं और राजेन्द्रनगर में ५०, ५० परसेन्ट हैं।

मैं एक बात और भी कहना चाहता हूं और वह यह है कि मुझे बड़ी खुशी हुई, मिनिस्टर साहब ने कहा कि मैं ने प्रायरिटी क्लेमेन्ट्स (प्राथमिकता वाले दावेदार) बनाये। बड़ी मेहरबानी की कि बीमारों को प्रायरिटी दी जिन को तपेदिक था, कैंसर था, उन को प्रायरिटी दी, एक दफा मैं ने यह भी कहा कि फेशल पैरालिसिस (मुख सम्बन्धी स्तम्भ रोग) वालों को भी इसी तरह से मदद देनी चाहिये, तो कहा कि सारी पैरालिसिस वालों को तो करनो चाहिये लेकिन खाली मुंह को पैरालिसिस वालों को नहीं की जा सकती। अब तो मैं डाक्टरी भूल गया हूं, आठ नौ महीने तक सिर्फ प्रैक्टिस की है, लेकिन उसी वक्त मैं ने पढ़ा था कि जब किसी को फेशल पैरालिसिस होती है तो जो दिमाग की आर्टरी (नस) होती है उस में आब्स्ट्रक्शन हो जाता है, उस से आदमी की हालत ऐसी हो जाती है कि किसी वक्त भी उस का दिमाग खराब हो जाये और वह मर जा सकता है। लेकिन खैर, मैं एक बात पूछना चाहता हूं कि जिन बड़े बड़े आदमियों के लड़के विलायत पढ़ने गए हैं, उन को प्राय-रिटी लिस्ट में रखने की क्या जरूरत है ? The fathers of those who have gone to foreign lands have been put into the priority category. एक तरफ तो जिन को फेशल पैरलिसिस हो गई है उन को प्रायरिटी के लिये नहीं गिना जाता, लेकिन मैं हैरान हूं कि दूसरी तरफ ऐसे आदमियों को गिन लिया जाता है जिन के बच्चे विलायत में हैं। कई आदमी ऐसे होंगे जिन के बच्चे पहले ही विलाय

इस वक्त कंडिशन (हालत) यह है कि : He must be already there in a foreign land and a certificate must come from there that he is studying there. उन को भी ८,००० रु० नकद दे दिया गया प्रायरिटी क्लेम में रख कर। बहुत ठीक है, बेटा पढ़ तो गया। लेकिन मेरी समझ में यह बात नहीं आई कि क्या वह फेशल पैरलिसिस वाले से ज्यादा जरूरतमन्द है ?

कभी आप नये नये रूल लाते हैं, कानून बनाते हैं, लेकिन क्या आप ने कभी यह सोचा कि जो हमारे रूरल हाउसिंग क्लेमेंट्स (ग्रामावास दावेदार) हैं उन का क्या हाल है? मैं

[श्री गिडवानी]

उन का बहुत ज्यादा जिक्र नहीं करना चाहता क्योंकि हमारे श्री ठाकुर दास जी भार्गव ने और मैं ने भी पहले कई दफा उन का जिक्र किया है। लेकिन मेरी कम्बख्ती यह है कि मैं सारे हिन्दुस्तान में फिरा करता हूं। अभी मैं इटावा गया तो देखा कि वहां पर एक ७० या ८० बरस का बुड्ढा जिन्दा है। उस का क्लेम १०,००० से १० या २० रुपया कम था। उस को तीन एकड़ जमीन मिलती है शाहजहांपुर में। अगर वह यह तीन एकड़ जमीन नहीं लेता, तो क्या हो? और वह ले ही नहीं सकता क्योंकि वह ७० या ८० बरस का है, उस ने दरख्वास्त दी कि वह जमीन कैंसेल हो जाये, वह जमीन कैंसेल (रद) हुई, मैं ने मि० तनेजा को लिखा कि उस की जमीन कैंसेल हो गई, उसे हाउसिंग प्रापर्टी में से मिलना चाहिये। मि० तनेजा बड़े हमदर्द हैं, मैं उन की कद्र करता हूं, मैं उन की कोई शिकायत यहां पर नहीं करना चाहता, वह कानून के पाबन्द हैं, मैं ने ऐसे अफसर कम देखे हैं जो हमदर्दी अपने दिल के अन्दर रखते हों। उन्होंने मुझे बतलाया :

I am afraid that claim cannot be held. His claim has been properly rejected in accordance with the rules.

अब हमारे रूल्स क्या हैं कि किसी भी आदमी को किसी हालत में अगर लैंड मिलती है और वह न ले, भले ही वह पत्थर हो, बिल्कुल मिट्टी हो, उस को पूरा पोजेशन भी नहीं मिला, उस से कोई पैदावार भी न हो, एस्टिमेट्स कमेटी में भी सवाल उठा, हमारे सामन्त साहब को मालूम है, जहां जहां हम गए यह शिकायत की गई कि यह क्या कानून है, कि अगर हमारा ९९९९ रु० का एक एक क्लेम हो तो भी हम को तीन एकड़ जमीन मिले, और हम न लें तो हम को कंपेन्सेशन न मिले ?

Even if I have ten claims each claim of the value of Rs. 9,999 I am not entitled to compensation for my rural housing property, if I have been allotted three acres of land.

यह क्या कानून है ? जहां कैंसेल भी हुई है, उन लोगों ने जा कर दरख्वास्त भी दी है कि हमारी जमीन कैंसेल हुई है, लेकिन कोई सुनवाई नहीं होती। मैं ने बार बार लिखा कि मैं चाहता हूं कि उन के साथ न्याय हो, उन को प्रायरिटी कैटेगरी में लाना चाहिये, उन आदमियों के बारे में भी आप को सोचना चाहिये, लेकिन कोई हमारी बात नहीं सुनता है।

इस के सिवा मेरे ध्यान में एक बात और आई और जो रूल ३१ और ३१ हैं उन के बारे में मैं ने मिनिस्टर साहब के पास लिख कर भेजा है कि जब मैं सौराष्ट्र गया तो जैतपुर में इस के बारे में शिकायत की गई। रूल ३० में है :

"Payment of compensation where an acquired evacuee property which is an allottable property is in occupation of more than one person: If more persons than one holding verified claims are in occupation of any acquired evacuee property which is an allottable property, the property shall be offered to the persons whose net compensation is nearest to the value of the property and the other persons may be allotted such other acquired evacuee property which is allottable as may be available."

इस के सिवा रूल २९ में भी यह है :

"Where any person having a verified claim who is in sole occupation of an acquired evacuee property, which is an allottable property, refuses to accept the transfer of such property in full or part satisfaction of the compensation payable to him—

(a) the payment of compensation due to such persons shall be postponed."

इसके बारे में मैं भी कहना चाहता हूं कि इन दि केस आफ एक ऐसे :: बल ए आप देखिये।

[MR. SPEAKER in the Chair]

3-46 P.M.

जो आदमी शहर में है अगर वह ऐलाटेबल प्रापर्टी नहीं लेता है तो उस का क्लेम रद्द नहीं होता । लेकिन रुरल प्रापर्टी के बारे में यह है कि अगर किसी को जमीन मिले और वह न ले, भले ही वह रद्दी हो, बेकार हो, तो उस का क्लेम पूरा हो गया मान लिया जाता है ।

If he does not acceut, his claim is deemed to have been satisfied.

रूरल के बारे में एक कायदा और अरबन के बारे में एक कायदा । मैं चाहता हूं कि हमारे मिनिस्टर साहब इन सब बातों को सोचें ।

दूसरी बात मैं ने यह कही कि अगर ऐलाटेबल प्रापर्टी में दूकानें भी हैं तो दोनों को अलग अलग कर के देना चाहिये । मुझे खुशी है कि उन्होंने उस का जिक्र किया । लेकिन कल ही सौराष्ट्र से मेरे पास एक आदमी आया उसने लिख कर दिया है :

"According to Rule No. 22, every shop is allottable property if occupied by a displaced person and the value of which does not exceed Rs. 10,000. Rule No. 30 mentions the natural partition of the evacuee property occupied by more than one displaced person. If the property can suitably and conveniently be partitioned, it is to be partitioned for the rehabilitation of displaced persons. The settlement authorities are afraid of doing it and also doing contrary in the view of Simla Conference resolution which stops unnatural partition. We also agree . . ." etc.

They want that if it is a shop, it should be allottable. That is the interpretation of the rule. मेरे कहने का मतलब यह था कि अरबन और रूरल प्रापर्टीज के बारे में जो कुछ अभी तक हुआ है, उस से लोगों को तसली नहीं हुई, लोगों को बड़ी तक्लीफ होती है । एक आदमी बम्बई में रहता है, उसे जमीन मिलती है हैदराबाद में । और जमीन ऐसी है जहां टेनैन्ट्स (किसान) ने कुछ दिया नहीं, और उसका रूरल हाउसिंग क्लेम रद्द हो जाता है । यह बात मेरी समझ में नहीं आती । इसी तरह से सारे हिन्दुस्तान में हो रहा है । जहां जहां पर रिफ्यूजीज रहते हैं, खास कर सिंधी रिफ्यूजीज, उन के साथ यह हो रहा है जिस से उन को बड़ी तकलीफ है । तो मैं चाहता हूं कि सारे मामले पर सोचा जाये और फिर उन के साथ इंसाफ करने की कोशिश की जाये । यह कहना कि इस तरह से हम लोग एक एक रूल ला कर अमेंडमेंट करते हैं और जो पार्लियामेंट करती है उस पर बाद में अमल नहीं किया जाता यह ठीक नहीं है । आज जो कुछ यहां पर हुआ वह इसी का नतीजा है । मैं अपने दोस्त श्री मेहर चन्द खन्ना साहब से पूछना चाहता हूं कि आखिर यहां पर श्री ठाकुर दास भार्गव जैसे कानूनदां और बुजुर्ग आप से इस तरह से बात क्यों करते हैं ? उनके दिल में कोई अपनी गरज नहीं है, वह खुद कोई रिफ्यूजी नहीं हैं ।

लेकिन चूंकि वह रिफ्यूजीज की तकलीफों को अच्छी तरह से जानते हैं, आपके एडवाइजरी बोर्ड (मंत्रणाकार बोर्ड) में भी रहे हैं, उन्होंने लोगों की हालत को देखा है, इस वास्ते उनके दिल में तड़प है, उनके दिल को उनकी हालत को देख कर दुख हुआ है, जिस को कि उन्होंने इस सदन के सामने जाहिर किया है । मैंने तो अपने दिल के दुख और रंज का इजहार करना छोड़ दिया है । मैं तो अब तक यह समझने लग गया हूं कि अगर आपके दिल को भी दुख पहुंचता है और फिर आप कुछ करते हैं तो आप अपने कर्तव्य का ही पालन करते हैं । मुझ से जो सेवा हो सकेगी मैं करने को तैयार हूं । अगर आप अपने कर्तव्य का पालन

[श्री गिडवानी]

नहीं करते हैं तो आप जाने । मैं तो अपना फ़र्ज़ पूरा करूंगा । मैं आपके पास आऊंगा, मैं आपके अफ़सरों के पास आऊंगा, आपको चिट्ठी लिखूंगा, आपके अफसरों को चिट्ठियां लिखूंगा, फिर अगर आपकी इच्छा हो तो आप करें और आप की इच्छा न हो तो आप न करें । लेकिन मैं इस वक्त अरबन और रूरल रिफ्यूजीज़ के बारे में जो डिस्क्रिमिनेशन किया जा रहा है उसको बताना अपना फ़र्ज़ समझता था ।

इससे रूरल रिफ्यूजीज़ को बहुत ज्यादा तकलीफ का सामना करना पड़ रहा है । उनको बहुत ज्यादा मुसीबत का सामना करना पड़ रहा है । आज इसका असर यह हो रहा है कि उनको दो एकड़ ज़मीन देकर उनसे १०,०००, २०,००० और ३०,००० की ज़मीन खींची जाती है और इतने पर भी जो ज़मीन उनको दी जाती है वह बेकार होती है जिससे कि उनको कोई फायदा नहीं होता है । मैं चाहता हूं कि आप इन बातों पर गौर करें और जो तकलीफ़ात हैं उनको दूर करने की कोशिश करें । मैं इस हाउस का ज्यादा वक्त लेना नहीं चाहता । मैं कानूनदान तो नहीं हूं जैसे कि हमारे भाई ठाकुर दास जी हैं लेकिन मैं चाहता हूं कि जो एमेंडमेंट्स उन्होंने दी हैं, उन पर आप ग़ौर करें ।

आखिर में मैं एक ही बात कहना चाहता हूं । मुझे एक फारसी की कहावत याद आ गई है जिसे मैं आपको सुनाना चाहता हूं और मैं चहाता हूं कि माननीय मंत्री जी भी उसको सुन लें :

अतुरआंस्त कि खुद बबूयद न
न कि अतार बिगूयत ।
परफ्यूम वह है जिस की
खुद बू आये ।

इसी तरह से आप जो भी काम करते हैं उसकी तारीफ़ आप ही को नहीं करनी चाहिये बल्कि बात तो तब बनेगी जब लोग आपकी तारीफ़ करेंगे । वह एक पुरानी बात है जो आपको समझनी चाहिये ।

मैं एक और अर्ज करना चाहता हूं । आज हम आखिरी मंज़िल पर पहुंच चुके हैं । बरसों से हम यह चिल्लाते आये हैं, यह पुकार करते आये हैं कि हमारी दर्द को जानने वाला कोई मंत्री नहीं है । इसी वजह से सरकार ने आपको मंत्री बनाया । तो एक बात जो मेरे दिल में खटकती रहती है और जिस को मैंने आज तक नहीं कहा है मैं चाहता हूं कि उसे मैं अब कह दूं । जो काम आज तक न्योगी जी ने नहीं किया, जो काम मोहन लाल सक्सेना जी ने नहीं किया, जो काम अजित प्रसाद जैन जी ने नहीं किया, वह काम आप ने कर दिया है । अब तक जितने भी एडवाइजरी बोर्डस बनते आये हैं, उनका चेयरमैन हमेशा एक रिफ्यूजी ही हुआ करता था । क्या आपको रिफ्यूजीज़ में से कोई ऐसा भला आदमी नज़र नहीं आया जिसको कि आप चेयरमैन बनाते ?

क्या आपको इस काम के लिये कोई योग्य रिफ्यूजी नहीं मिला ? क्या आपको इस एडवाइज़री बोर्ड के छः मैम्बरों में से कोई भी पसन्द नहीं आया ? आप बंसल साहब को बना दें मुझे कोई एतराज़ नहीं । आपने जो उनम से किसी को नहीं बनाया इसका मतलब यह है कि उन से किसी में भी आपका विश्वास नहीं है । यह सोचने की बात है, इन्ट्रोस्पैक्शन की बात है । आप ऐसा काम करते हैं जिससे कि आप उनमें से किसी का विश्वास प्राप्त नहीं कर सकते हैं । मैं ज्यादा कहना नहीं चाहता । मैं चाहता हूं कि आप और हम मिल कर काम करें और इस मामले को जल्दी तय करें और आपस में कोआप्रेट करें ।

अन्त में मैं एक बात आपके सामने रखना चाहता हूं। आपको वही काम करना चाहिये जिससे कि आवाम का भला हो। मैं इतना ही कह कर खत्म करता हूं :

यह बागे बहार दुनिया चन्द रोज,
देख लो इसका तमाशा चन्द रोज।
यह वजीरी चन्द रोज,
यह अमीरी चन्द रोज।

Sardar Hukam Singh (Kapurthala—Bhatinda): I am thankful to you for giving me this opportunity. I was also tempted to say a few words and I am sorry that I have inconvenienced you as well. It is to be regretted that certain things have happened during the course of the discussion. Perhaps certain members were rubbed on the wrong side, which was not desirable, and so the outcome is not very good. But I have one complaint against the hon. Minister, he set the ball rolling. If he had not done it, perhaps we would not have been in this condition. He has stated that all claimants have filed their claims. There were about five lakhs of rural claimants and just the same number of urban claimants. He wanted to say everybody has filed his claim. I do not say that he had done anything unfair. He only wanted to make a point that there are no persons left now; everybody has come and filed his claim.

But there is one snag in that argument. There have not been separate claims. One can have a rural claim and an urban claim as well. Therefore, it cannot be 5 lakhs on the rural side and five on urban side and 10 lakhs in all, and all the refugees have been exhausted. That is not an argument which can well be put here. He has not taken care of that particular point particularly when there is, he knows, a large number of non-claimants. We are hearing every day here that properties have been given to those persons who have no claims at all. Therefore, that argument cannot hold good. Even now there may be persons who have not been able to file claims. But I am not here at this moment to argue on their behalf.

It has been stated that Government or the Ministry has given many concessions. The words were "concession after concession" to those joint Hindu family members and some other displaced persons. When that compensation scheme was brought forward and placed before the House —I am reminded of it now—the then Minister said: "here is a pool and I am only a trustee." He was only a sarpanch and this amount had to be distributed equitably and fairly. Government would not pay a single pie more. If that be the case and the Minister is only a trustee to distribute that amount, it is a definite and positive amount; it cannot vary. So far as these properties are concerned, they are definite—100 crores plus 85 crores: 185 crores. The properties may fetch more or less but the items are there and it will not increase as the Government is not going to contribute any amount towards that pool. So the only business of the Minister is to distribute that 185 crores fairly and equitably among those persons who are claimants and who have filed their claims. Where does the question of any concession come? There cannot be any concession and if the Minister has given any concession then I should complain that he has not been fair because if he gives more to one section then he deprives the other section of something. If he pays more to Peter then certainly he has robbed Paul. Otherwise he cannot pay more to Peter because there is no amount coming from the Government. There is no question absolutely of giving concessions. He could not argue that way. If he had said that it was but fair that the joint Hindu family ought not to be treated merely as an individual and something more should be done for that and we can go so far and no further, that argument could be understood,

[Sardar Hukam Singh]

if he said like that. But that was not what he said and, therefore, it amazed me because that rather exhibited an attitude that could not be reconciled to the sentiments and the susceptibilities of the displaced persons. Of course, he has claimed that he himself is also a displaced person. Nobody doubts that.

Mr. Speaker: It is not too plain?

Sardar Hukam Singh: Nobody doubts that. He is really a *bona fide* genuine displaced person, much more than perhaps myself or any other person. But that too does not mean that he should be the sole custodian of all the sympathies or concessions or whatever you may call that are to be extended to the displaced persons.

4 P.M.

I pay a tribute to my friend Pandit Thakur Das Bhargava. Since the time I came here I have found that he has been watching the interests of the displaced persons very zealously and he has guarded those interests by his eminent advocacy, and labours. Nobody can conceal that fact. We are all obliged to him. But there is no comparison to be made here. We can give credit to both of them. The hon. Minister, Mr. Mehr Chand Khanna, is a sympathiser of the displaced persons. He may say—we may acknowledge it —that he is their biggest sympathiser. But I would also say that even then Pandit Thakur Das Bhargava may not be anything less. He is also—we acknowledge that—he is one of our most sympathetic friends and he has acted in that manner throughout this period.

Now, the question is not as to who is the sympathiser or any comparison between them. The question is whether this amendment that is brought here affects adversely the persons whom we want to benefit. This is the only question that ought to have been considered. If the hon. Minister had only said, "Of course, the joint Hindu family is an individual, and we have only considered it so far that something should be done for it"—as was just now explained by the Minister of Legal Affairs that "we can only go so far, and it is not possible to acknowledge the son also as one worthy of recognition so far as these benefits are concerned"—, then that would be a different question. But the dispute arose over the construction of this amendment and the implications that it had.

The House has heard all the arguments of Pandit Thakur Das Bhargava made so elaborately. I give him this credit, and I must say that I agree with him so far as his interpretation is concerned. And even the Minister of Legal Affairs has admitted this much at least, that so far as the wording of the amendment goes, as it stands just at present, it is capable of being interpreted like that. I understood him to say like that.

Shri Pataskar: I said the former rule 19 was rather ambiguous.

Sardar Hukam Singh: The former rule was capable of that? But the question is very simple. Leaving aside the other things, the question is whether the son is going to get a share or not. That is the first question.

Pandit Thakur Das Bhargava: Let him have the courage to say that the adult son was not to be reckoned as a unit according to rule 19.

Sardar Hukam Singh: He has said it already.

Pandit Thakur Das Bhargava: He has not said.

Sardar Hukam Singh: He has said that the son has to be excluded. We have now come to that stage. He has made it clear. I am sure this is also the position of the hon. Minister of Rehabilitation as well. Now there is no dispute about it. The Minister of Legal Affairs has said that the son is not going to be recognised as claimant of a different share when the father is alive. He has said it.

Now, Pandit Thakur Das Bhargava and other friends, including myself, feel very much that if really Hindu joint family, undivided family, is going to be recognised as something more than an individual, then the son should be the first person who should get such benefit. If the son is going to be deprived of it, we do not know what other members have got greater claim on that benefit. (*An Hon. Member*: Daughters!) If they have given some benefits to daughters, it is a different thing. We are talking just at present only about the son, whether he should have that different share or not. Today we have come to the position when Government says "No". They say that they cannot go to that extent. We on our part feel that it should be extended to the son as well. Now, the Minister has given the reasons for his not conceding that. He has said that there are many difficulties. Perhaps he thinks that they are insurmountable; he feels that the whole compensation scheme shall be delayed; he feels that the whole thing, whatever has been done, will be upset; he thinks it might take many long years from now if we make that change just at present.

Now, calmly and coolly we can sit down and consider it. What I wish to say is, if the Minister can take credit, he should take credit for the speed with which this work is going on, for the fairplay that he is exhibiting, and for the justice that he is giving to the beneficiaries who are entitled to compensation. They cannot take any claim or credit for having given any concessions.

So my point was that if this is the difficulty, concrete things have not been told to us, that this would involve such and such financial implications, these would be the difficulties that would be presented and they will not be capable of being overcome easily. We have no data at present by which we can proceed and give our verdict whether there are really such insurmountable difficulties. And the time involved would also be such that we cannot wait at this moment and then set the clock back afterwards and see whether we can proceed with it. That has to be gone into now. When the feelings are so intense, when we think that the son should get a share on his own behalf and that the claim should be divided when there are the father and the sons, then certainly we are entitled to be told as to what are those concrete difficulties. What are those definite and positive things the Minister has in mind which cannot be overcome at this moment?

So, Sir, this is my opinion. Now, a proposal has been made that a Committee might be appointed. Or the Minister might appoint his own Committee. And this discussion might be postponed for some time. Let that Committee come up with some concrete data and try to convince the House that so much shall be the additional burden that the Pool shall have to bear.

Just now one hon. Member suggested—he gave that hint—he had an interview with the Education Minister and perhaps an indication was given that the share of others might be reduced. That also is to be seen first, to what extent is the share going to be reduced. Unless that is worked out and the hon. Members are told here about it, we cannot take a jump just at once, when we feel so much for the son, and agree to this amendment that he has proposed.

Therefore, I support that idea of appointing a Committee, which has just now been made, and making an enquiry. It is not a subject where we cannot reconcile ourselves. We can adjust ourselves when we are told about those difficulties.

Lala Achint Ram: And the Committee can report in two or three days.

Sardar Hukam Singh: As soon as may be possible. We can certainly adjust ourselves when we are given the reasons which may be there. That is the best solution under the circumstances we are placed today.

Pandit Thakur Das Bhargava: Sir I have to make a submission. When you were not here, the Deputy-Speaker allowed Shri Radha Raman to move his amendment after I had finished my speech. That relates to a basic point and I require two or three minutes to make my comments on that amendment. That amendment was not before me when I made my speech. So if you would allow me.....

Mr Speaker: When was it tabled?

Pandit Thakur Das Bhargava: It was not moved then.

Sardar Hukam Singh: After Pandit Thakur Das Bhargava had already begun his speech on that day, that amendment was received. Normally that would not have been admissible. But because Government was prepared to accept—and ordinarily if Government are prepared to accept, such amendment is allowed to be made —I allowed it.

Pandit Thakur Das Bhargava: It was circulated only this morning.

Sardar Hukam Singh: We had that day before yesterday also. He will remember, I showed it to him.

Pandit Thakur Das Bhargava: It was circulated, but it was not moved before I finished my speech.

Sardar Hukam Singh: How could it be moved in-between when the hon. Member was speaking?

Mr. Speaker: Does he want to speak on that? The papers were all with him.

Pandit Thakur Das Bhargava: Only two or three minutes.

Mr. Speaker: That amendment was also there.

Pandit Thakur Das Bhargava: It was not there. I did not know that it was moved and I could not comment on it. It was circulated today. And the speech has been made after I finished. Both Shri Pataskar and the hon. Member have spoken after I had spoken.

Mr. Speaker: I did not disallow any amendment.

Pandit Thakur Das Bhargava: But it was not moved on that day. It has been moved today. On that day it was not moved; it was not even on the Order Paper. It came in subsequently.

Mr. Speaker: Does the hon. Member believe that for want of counter arguments, the House will.....

Pandit Thakur Das Bhargava: After all, when a new thing comes, it is fair that it should be commented upon by those who have given notice of other amendments already.

Mr. Speaker: All right; but only three minutes.

Pandit Thakur Das Bhargava: In regard to the new amendment, I am very sorry, I cannot support it. In the first instance, it strikes at the very root of sub-section (2) of rule 19. According to my reading, if a certain person is a nephew of a certain person and is above 18 years of age, he is entitled under rule 2. This takes away that right. Supposing a person dies leaving minor sons and major sons, the major sons come under rule 2. They are independent units. This takes away that right. I do not know why. It is strange that even the existing right is to be taken away by virtue of this amendment.

The second point is, the hon. Minister who is in charge of this matter wants to change rule 19. This amendment is more royalist than the king. The hon. Minister is agreeable to give the right to the widow of a deceased member. This has taken away that right also. It says only the widow of a certain person who died at a certain time. According to the amendment of the hon. Minister, any widow of a deceased member is entitled to be treated as a unit, that is, mother, grandmother and everybody else. Even this is taken away.

Shri Pataskar gave very great credit to the hon. Member for liberalising this. I also give credit that he has liberalised this.

Another point, is this. Why should a person die between two particular dates for one to get the benefit? Only if a person dies between fourteenth day of August 1947 and 26th September 1955, he gets the benefit. If the death is a day sooner or later, he will not get any benefit. This is absolutely illogical and has no sense in it. The hon. Minister gave a right to a minor son. This goes away. I understand that they seek to confer some benefit; on the contrary while wanting to extend, it makes it narrower. Then, the Explanation is not there. I want to know why the Explanation is not there. Originally the words entitled to claim partition are there. They are not in the amendment. Unless a person is entitled to claim partition, how can he get this right? He cannot be counted as a person entitled to claim partition. I would only submit that so far as the amendment goes, it should not be accepted by the House.

I do not want to comment upon what Shri Pataskar has said, because you gave permission only to speak on the amendment. I should like only to make one comment with your permission.

Mr. Speaker: No more; I am very sorry.

Pandit Thakur Das Bhargava: I shall reserve my comments to a future occasion. Though he wanted to support him, he has not supported the hon. Minister. That is the tragedy of the whole thing.

Lala Achint Ram: Will you permit me to make the motion that the matter be referred to a Committee to report before the 25th of August?

Mr. Speaker: I am not going to allow any amendment or motion unless the hon. Minister or the whole House agrees.

श्री मेहर चन्द खन्ना : डा० गडवा ने अपनी तक़रीर एक फ़ारसी मिसरे के साथ खत्म की तो मैं अपनी तक़रीर भी फ़ारसी के एक मिसरे के साथ शुरू करता हूं और मैं यह कहना चाहता हूं :

"हरच अज दोसत फी अल्द नकोस्त"

दोस्त से जो कुछ भी आये वह अच्छा है और मैं उसको प्यार की नज़र से देखता हूं और इज्जत की निगाह से देखता हूं। इससे ज्यादा खुशी की बात और क्या हो सकती है कि . . .

Mr. Speaker: It is stated in the Constitution that whenever appropriate expressions are not available for English terms, he must go to Sanskrit.

Shri Mehr Chand Khana: Whatever comes from a friend is welcome. That is the literal translation of this Persian saying.

मैं यही कह रहा था। पहले दिन जब बहस हुई और आज की भी बहस में जिन्होंने हिस्सा लिया वे मेरे दोस्त हैं और उन्होंने पहले दिन से लेकर आज तक मिनिस्ट्री के साथ और मेरे साथ रेफ्यजीज़ की जो भी तक़लीफ़ात आती हैं उनको समझने में और हल करने में मेरा हाथ बंटाया है। अगर मुझे पंडित ठाकुर दास भार्गव की इज्जत का खयाल न होता और अगर मुझे उन पर यह विश्वास नहीं होता कि वे रेफ्यूजीज़ के दोस्त हैं और दिल से उन के साथ हमदर्दी है तो जब वह ऐडवाइज़री बोर्ड बनने लगा था तो मैंने बतौर मिनिस्टर के ही नहीं उनको उसमें शिरकत करने की दावत दी थी बल्कि खुद भी उनके पास गया था और उनसे यह दरख्वास्त की थी कि वे इस बोर्ड की मेम्बरी को स्वीकार करें। जब इंसान एक बोर्ड बनाता है और बोर्ड में अपने साथियों को लेता है तो मैं यह जानता हूं कि उस पर यह एक मौरेल फ़र्ज़ आयद हो जाता है कि उस बोर्ड की जितनी

[श्री मेहर चन्द खन्ना]

भी सिफारिशात हों उनको इज्जत की नजर से देखें और उनको समझने की और उन पर अमल करने की कोशिश करे ।

आज बोर्ड ने बहुत सी सिफारिशात की हैं और मैं बिला शक कह सकता हूं कि गो कि बोर्ड ऐडवाइजरी (मंत्रणा बोर्ड) है लेकिन ७५ फीसदी और ८० परसेंट तक मैं ने उसकी सिफारिशात को स्वीकार किया है । अब यह कह देना कि हमेशा के लिए गवर्नमेंट की तरफ से यह ऐलान कर दिया जाय कि जो भी बोर्ड की सिफारिश होगी उसको मिनिस्ट्री मानेगी, यह जरा मुश्किल सी बात है । मैं यही कह सकता हूं कि अंडरस्टैंडिंग के साथ, सिम्पैथी (सहानुभति) के साथ और कंसिडरेशन (विचार) के साथ जो भाई भी अपनी सलाह मुझे भेजेंगे मैं उस पर गौर करूंगा और कोशिश करूंगा कि उनके नुक्तेनिगाह को समझूं और समझ कर उस पर जहां तक बन पड़ेगा अमल करने की कोशिश करूंगा । जब मैंने पंडित ठाकुर दास भार्गव को बोर्ड की मेम्बरी की दावत दी थी तो मैं यह जानता था कि वे नौन रेफ्यूजी (विस्थापित नहीं) हैं । जब मैंने श्रीमती सुचेता कृपालानी को बोर्ड की मेम्बरी की दावत दी थी तब भी मैं जानता था कि वे नौन रेफ्यूजी हैं, और आज जो मैंने श्री चंदू लाल पारिख को दावत दी है तो उसमें कोई अचम्भे की बात नहीं है । ये भाई रिहैबिलिटेशन मिनिस्ट्री (पुनर्वास मंत्रालय) से काफी गहरा सम्बन्ध रखते हैं । सन् १९५२ में एक कमेटी बनी थी जिसका कि वोकेशनल (व्यवसायिक) और टेकनिकल ट्रेनिंग के साथ ताल्लुक था । पारिख साहब उसके मेम्बर थे और उन्होंने और दूसरे लोगों ने तमाम देश का दौरा किया और मुझे हर मामले में रेफ्यूजीज की बेहतरी और बहबूदी के लिये राय दी । आपका ताल्लुक रिहेबिलिटेशन फाइनेंस एडमिनिस्ट्रेशन (पुनर्वास वित्त प्रशासन बोर्ड) के साथ है और आज वे तीन चार वर्ष से उस बोर्ड पर काम कर रहे हैं, साथ मैं यह भी कहूंगा कि दीगर मेम्बर साहबान जो उस में आये हैं वे उनसे पहले से काम करते रहे हैं । मैंने उनको एक शरणार्थी के नाते से और उस शख्स के नाते से जिसके कि दिल में शरणार्थियों के लिए दर्द है, बोर्ड में आने की दावत दी है । वे इस मिनिस्ट्री के साथ पिछले तीन, चार वर्ष से कोआपरेट करते रहे हैं और मुझे उन्होंने काफी हैल्प दी है । लेकिन अगर आज एक उसूल बना दिया जाय कि इस बोर्ड में सिवाय एक रेफ्यजी के दूसरा कोई नहीं हो सकता तो मैं जानता हूं कि पंडित ठाकुर दास भार्गव, जिनके कि दिल में रेफ्यूजीज के लिए दर्द है और जिनकी कि मैं कद्र करता हूं, वे उस बोर्ड में नहीं आ सकते थे और इसी तरह श्रीमती सुचेता कृपालानी भी नहीं आ सकतीं थी । हमें उस चीज को एक लिमिटेड (सीमित) दायरे (क्षेत्र) से नहीं देखना चाहिये बल्कि देखना यह चाहिये कि रेफ्यूजीज की खिदमत ज्यादा से ज्यादा कौन कर सकता है और उसमें हमारा कितना भला है ।

दूसरे जो डिप्टी स्पीकर ने लफ्ज "कंस्सैशन" (रियायत) के बारे में कहा, तो लफ्ज "कंस्सैशन" मेरे मुंह से गलती से निकल गया होगा । जो मैंने पहले दिन कहने की कोशिश की थी वह यह थी कि इंटैरिम स्कीम (अन्तरिम योजना) जो हमारी बनी थी वह इंटैरिम स्कीम एक हद तक जाती थी । उस इंटैरिम स्कीम में ५ हजार की लिमिट थी । ८ हजार रुपये से ज्यादा कैश नहीं मिल सकता था और चन्द एक कैटेगेरीज (श्रेणियां) थीं जिनके कि साथ वह स्कीम महदूद थी ।

उस स्कीम में न हिन्दू खानदाने-मुश्तर्का का जिक्र था और न इस बात का जिक्र था कि कौन लीनियल डिसेंडेंट (संतति) है, भाई है, पोता है या चाचा है, वगैरह । उस में सिर्फ एक यार्डस्टिक थी और वह

यह थी कि पाकिस्तान में अलिफ़ की कितनी जायदाद रह गई और हमारे ग्रेड या स्केल के मुताबिक उस को कितना रुपया मिलना चाहिये । मैं ने यह अर्ज किया था कि रीहैबिलिटेशन मिनिस्ट्री ने—गवर्नमेंट ने—उस स्कीम से बहुत आगे बढ़ने की कोशिश की और उस को बहुत लिबरलाइज किया और जैसा कि मैंने बताया था, पहले हमारी सीलिंग पचास हज़ार रुपया थी, लेकिन हम उस को दो लाख रुपय तक ले गये । हम ने यह भी किया, जैसा कि रूल १६ में दिया गया है, कि अगर तीन हैं, तो दो शेयर और अगर चार या ज्यादा हैं तो तीन शयर होंगे । मैं अर्ज करना चाहता हूं कि यह ऐवान जरा खुद ही ख्याल करे कि कहां पचास हज़ार रुपये और कहां दो, चार, छः लाख रुपये, जो कि अब एक खानदान को मिल सकते हैं ?

यही नहीं, पहले नकद रुपया देने की लिमिट (सीमा) आठ हजार रुपये थी, लेकिन अब एक खानदान को चौबीस हजार रुपया नकद मिल सकता है । मैं अर्ज करना चाहता हूं कि यह सब कह कर, मैं किसी किस्म का दावा नहीं कर रहा हूं । शरणार्थी ने जो कुछ खोया है, जो कुछ तकलीफ उठाई है, वह मैं जानता हूं । मेरा भी घर बार था । अपने सूबे में मेरी भी कुछ इकनामिक पोजीशन (आर्थिक स्थिति) और पोलीटिकल पोजीशन (राजनैतिक) स्थिति थी । मैं अच्छी तरह से जानता हूं कि जब इन्सान अपना घर-बार छोड़ता है और हमेशा के लिये अपने बाप-दादा की ज़मीन को छोड़ कर आता है, तो उस को क्या तक्लीफ होती है । मैंने यह नहीं कहा कि जो शरणार्थी नहीं, उन में शरणार्थी के लिए हमदर्दी नहीं है, बल्कि मैं यह कहा रहा था कि मैं खुद उसी मरज का शिकार हूं, क्योंकि मैंने वह तक्लीफ अपनी आंखों से देखी है—मैंने देखा है कि गोलियां कैसे चलीं, मैं ने देखा कि आजिज़ भाई कैसे मारे गये और किसी की बहिन और बेटी किस तरह ज़बर्दस्ती ले जाई गई । मैंने यह कभी नहीं कहा कि पंडित ठाकुर दास भार्गव रेफ्यूजीज के दोस्त नहीं हैं या इस लिहाज से कोई दूसरा उन का दोस्त नहीं है । मैं तो अपने सब भाइयों को बड़ी इज्जत की निगाह से देखता हूं । मेरे लायक दोस्त पंडित ठाकुर दास भार्गव, पहले रोज कुछ नाराज हो गये थे, कुछ गुस्से में आ गये थे शायद मेरे अलफाज उनको पसन्द नहीं आये । मैं उन से क्षमा चाहता हूं —माफ़ी मांग हूं । मेरा कभी भी यह इरादा नहीं था कि उन का दिल दुखे । लेकिन मैं यह अरज करना चाहता हूं कि उन्होंने फरमाया कि अगर श्री अजीत प्रसाद जैन ने चोरी की है तो तुम ने डाका डाला है । जहां तक मेरा ताल्लुक है, शायद उन की बात दुरुस्त हो । मैं पठान हूं—पठानों के सूबे का रहने वाला हूं । तमाम उम्र हमारा यही पेशा रहा है । हो सकता है कि यह बात उन्होंने इस ख्याल से कह दी हो ।

सरदार हुक्म सिंह : लेकिन पठान घर वालों को नहीं लूटते ।

श्री मेहर चन्द खन्ना : लेकिन जहा तक श्री अजीत प्रसाद जैन का ताल्लुक है, उन के मुताल्लिक—एक ऐसे कालीग के मुताल्लिक जिस के साथ में मैंने साढ़े चार बरस काम किया है, ये अलफाज सुन कर मुझे बड़ा दुख हुआ है ।

पंडित ठाकुर दास भार्गव : जनाब वाला, अगर आप कनटेस्ट (प्रसंग) को देखें, तो आप को मालूम हो जायगा कि मैंने यह नहीं कहा कि एक आनरेबल मिनिस्टर ने वाकई चोरी की और दूसरे ने डाका डाला अगर आप कनटैक्स्ट को देखेंगे, तो आप महसूस करेंगे कि मेरा मतलब यह था कि उन्होंने कम गलती की और आपने उनसे बढ़ कर गलती की ।

श्री मेहर चन्द खन्ना : मैं आप के अलफाज को कोट कर रहा हूं । मुझे याद

[श्री मेहर चन्द खन्ना]

है कि स्पीकर साहब ने उसी वक्त फरमाया था कि आप के ये अलफाज अनपार्लिया-मेंटरी हैं, लेकिन जवाब में आपने फरमाया था कि वे अनपार्लियामेंटरी नहीं हैं।

Mr. Speaker: I feel that it is unnecessary. Such strong words need not be used, however eminent a Parliamentarian may be. The Minister is not guilty of theft of anybody's property, nor a डाकू or a robber. It is very wrong. I think no person should be said to be guilty of theft. There is no question of thieving. Of course there are other words in the English language which can be effectively used. I do not want such words should be used attributing dishonesty. They are unparliamentary. Theft implies dishonesty, dishonest deprivation of something for private use. Theft accompanied by use of force is robbery. These expressions might have been avoided.

Pandit Thakur Das Bhargava: With your permission, may I just state that these words were used on 14th September, 1955. It was stated that the allotment was made in 1948 and the rules were passed that whoever had been allotted four acres would lose all right to property to the extent of Rs. 10,000. In that context it was said that this was unfair that you give this concession and take away those rights. This is the reference to the context of those words. I never meant he was guilty of theft or he is guilty of dacoity.

Shri D. C. Sharma: The hon. Minister said that he comes from a land of dacoits. Is that parliamentary?

Mr. Speaker: I am afraid if one side had said something and the other side kept quiet, I could have intervened and said it was wrong. They have balanced each other. Now, the hon. Minister may go on.

Shri Mehr Chand Khanna: There is only one thing I wish to submit. Shri A. P. Jain took charge of this Ministry at a very difficult time. He worked very diligently. He worked very hard. I saw his work at a very close quarter. I was sitting with him for 4½ years. Any disparaging remarks made about a Minister who worked under very difficult conditions certainly is not fair to him or to that Ministry. As far as I am concerned, I take with very good grace what my elder brother has attributed to me or said about me.

Mr. Speaker: Inasmuch as this has been referred to, for future guidance I would say the word "theft" in relation either to a Member or a Minister, or to say that he has committed dacoity is not parliamentary. I am really sorry this has been used and counter-used. They have balanced each other as I have said. There is nothing to decide, but hereafter such expressions need not be used.

Shri Mehr Chand Khanna: I said about myself, coming as I do from the North-West Frontier Province, perhaps as a Pathan I could be called a dacoit, and I do not take any offence to it.

Mr. Speaker: I think the hon. Minister.....

Shri Mehr Chand Khanna: I am calling him an elder brother and I have said in case I made any remarks to which he has taken offence, I offer him an unconditional apology.

Pandit Thakur Das Bhargava: You may kindly see the context. If you do not approve, I take them back.

Mr. Speaker: Even in the context we need not use the word.

Sardar Hukam Singh: Do not appeal to the Chair to hold it to be parliamentary!

Pandit Thakur Das Bhargava: It is a symbolical way of expressing.

Mr. Speaker: Either in English, Hindi or Urdu, he need not resort to these words "theft" or "robbery". The

hon. Minister does not come from a land of dacoits. Nobody likes it.

श्री मेहर चन्द खन्ना : खैर, उस बात को मैं छोड़ देता हूं। म अर्ज कर रहा था कि उस ने अपनी इनटैरिम कम्पेन्सेशन स्कीम (अन्तरिम प्रतिकर योजना) में यह कहीं भी नहीं लिखा कि किसी को कुछ ज्यादा मिलेगा। उसमें यह था कि पाकिस्तान में जो जायदाद रह गई है उस के क्लेम पेश किये जायें। क्लेम आये और उनको असेस किया गया और एक स्केल के मुताबिक बाद-अजा उन क्लेम्ज की बिना पर लोगों को कम्पेन्सेशन मिलना था। यह बात हमारी स्कीम में थी और हम इस को साल, सवा साल तक चलाते रहे। अप्रैल १९५५ का जिक्र है कि हमारे रीहैबिलिटेशन मिनिस्टर्ज (पुनर्वास मंत्री) की कांफ्रेंस हुई, उसमें यह सवाल आया। हमारे एक मिनिस्टर साहब ने कहा—मैं उन का नाम नहीं लेना चाहता हूं, उनका पंजाब से सम्बन्ध है—कि पंजाब से बड़े बड़े खानदान आए हैं— मैं उनका नाम भी नहीं लेना चाहता हूं—और उनकी लाखों करोड़ों रुपये की जायदाद थी। वे तीन चार भाई हैं, जिन में दो तीन भाई मेजर हैं और वे जिन्दा हैं और कुछ माइनर हैं। उन्होंने कहा कि अगर आप अपने पुराने रूल के मुताबिक उन को एक यूनिट रखें, तो वह खानदान तो तबाह हो जायगा। उस वक्त यह फैसला हुआ, जैसा कि रूल १९ में दिया गया है। मेरे आनरेबल कालीग (साथी) ने बड़ी वजाहत के साथ उस को साफ़ किया है। मैं उसके लीगल एस्पैक्ट (विधि सम्बन्धी पहलू) में नहीं जाना चाहता हूं। मैं सिर्फ यही कहना चाहता हूं कि गवनमेंट की जो इन्टेन्शन (विचार) है, वह साफ है। उस के मुताबिक हम ने एक नया रूल बनाया और उस लाइट में (दृष्टि से) हम ने उन फैमिलीज को सर्टेन कंसेशन्स (रियायतें) दिये।

अगर हिन्दू खानदान मुश्तर्का का सवाल होता तो एक लीगल इंटरप्रेटेशन (निर्वचन) होता। मैं आप की खिदमत में एक बात अर्ज करना चाहता हूं कि हम को वह फैमिली लेनी थी जिस का जो कम्प्लेक्शन (रूप) १५ अगस्त, १९४७ को था जिस रोज कि हिन्दुस्तान का बटवारा हुआ, उस वक्त उस फैमिली में जो माइनर थे और जो मेजर थे उन का खयाल करना था। हम से कहा गया कि अब ८ या ९ बरस गुजर चुके हैं, १९४७ में जो बच्चा ११ या १२ बरस का था, उस को हिन्दुस्तान में आये हुए ८ या ९ बरस गुजर चुके और २६ सितम्बर, १९५५ को उस की उम्र १२ बरस में ८ बरस शामिल कर के २० वरस लगाए। हम एक कदम आगे बढ़े और बढ़ने के साथ यह फैसला किया कि अगर किसी के दो या तीन भाई हैं और वह १५ अगस्त, १९४७ को नाबालिग था, और कानून के मुताबिक हम आज उस को बालिग नहीं बना सकते तो उस को हम ८ बरस का कंसेशन देते हैं, या इस हद तक रूल्स को लिबरलाइज (उदार बनाना) करते हैं और उस को इस कैटेगरी में लाते हैं।

हम ने एक और चीज की जो कि उस दिन बतलाई थी। पता नहीं मेरे बड़े भाई उस को क्यों नहीं समझ सके। मैं कहना चाहता हूं कि फर्ज कीजिये आज हम यह कंपन्सेशन दे रहे हैं, तीन भाई हैं, ए और बी जिन्दा हैं, सी मर चुका है और सी की विडो (विधवा) है, माइनर (अवयस्क) बच्चे हैं। अगर वह भाई आज जिन्दा होता तो दो शेअर बनते, तीन बनते, उस के मुताबिक आज हम तसव्वर कर रहे हैं कि उस की फैमिली एक यूनिट है। मुमकिन हो कि कानूनन यह चीज जायज न हो, लेकिन ईक्विटी के लिहाज से और जस्टिस के लिहाज से जरूरी है। अगर वह मरा न होता तो उस को दूसरे भाइयों की तरह कंपेन्सेशन कुछ मिल जाता। जो उजड़ गये, जिन का सब कुछ पाकिस्तान में रह गया, जिन के यहां एक कमाने वाला था वह चला

[श्री मेहर चन्द खन्ना]

गया, उस के लिये हम ने यह किया है कि उसे जिन्दा माना और जिन्दा मानते हुए वह २५ परसेन्ट या ३३ परसेन्ट या एक तिहाई, जो कुछ भी तह हो जाय, वह पा जाय । तो मैं कह रहा हूं कि हम उस की फैमिली को एक यूनिट तसव्वर करते हैं, चाहे उस की फैमिली में एक विडो हो, दो विडो हों, तीन माइनर हों, चार माइनर हों । हम उस से कुछ ले नहीं रहे हैं, दे ही रहे हैं, हम आगे बढ़ रहे हैं और यह कर रहे हैं, जैसे जैसे कंपेन्सेशन स्कीम चलती है । जैसे मैं ने उस रोज अर्ज किया था, मेरे पास न कोई रेकार्ड है, न प्रेसिडेंट्स हैं, न कोई और खास चीज है, जैसे जैसे लोगों की तकलीफात सामने आती हैं, हम उन तकलीफात को देखते हैं, हम उन का हल निकालने की कोशिश करते हैं और इन्साफ पर मबनी जो हल होता है उस के लिये कोशिश करते हैं ।

आज हमारे गिडवानी साहब नाराज हो गए कि जिन लोगों के बच्चे इंग्लिस्तान में पढ़ रहे हैं उन को कैश क्यों देते हो । मेरा बच्चा कोई इंग्लिस्तान में नहीं पढ़ रहा है, न मेरे रिश्तेदार का पढ़ रहा है, मेरे पास केसेज आये कि हमारा बच्चा इंग्लिस्तान में पढ़ रहा है, उस को हमें कैश देना पड़ता है हर महीने । आप हमें मजबूर करते हैं कि हम जायदाद खरीदें, हम खरीदने के लिये तैयार हैं, लेकिन हमारा बच्चा जो है वह तक्लीफ में है, हम एक शरणार्थी हैं, लड़के का २०० या ३०० रु० माहवार का खर्च है जो कि हम नहीं दे सकते । दो तीन बरस में उस की तालीम खत्म हो जायेगी, उस से हमारे घर का नाम चलने वाला है, बूढ़े बाप के लिये सहारा हो सकता है, हम चाहते हैं कि उस के लिये कैश रुपया दे दो ताकि वह अपनी तालीम खत्म कर ले । कोशिश हम कर रहे हैं कि जो भी तकलीफ जदा भाई हो, उस की तकलीफ अगर हम से दूर हो सकती है तो उसे करें । मैं उस के लिये कोई क्रेडिट भी नहीं लेना चाहता, मैं क्या चीज हूं, आखिर, गवर्नमेंट है, पार्टी है, हिन्दुस्तान है, यह तमाम चीजें हैं । मैं तो कैबिनेट का एक अदना खादिम हूं । आप समझ लीजिये कि अगर कुछ नाम भी होता है तो हिन्दुस्तान का होता है, मेरी मिनिस्ट्री का होता है तो गवर्नमेंट का नाम होता है । अगर गवर्नमेंट का नाम होता है तो हिन्दुस्तान का नाम होता है, पार्टी का होता है, मेरा उस में क्या नाम है ? यह ऐसी मिनिस्ट्री है जिस के लिये मुझे कई दफा कहना पड़ता है कि जो इस में नाम करने की खातिर आता है उस के लिये बेहतर है कि वह इस से दूर रहे । इस में नाम नहीं, इस में शान नहीं, न इस में आ कर बाहर जाने का काम है, यहां तो हमेशा यहीं रहना होता है और हर रोज बातें सुननी होती हैं । आप ने आज सुना, उस दिन सुना, जम्हूरियत की शान देखिये कि मुखालिफ पार्टी में से तो कोई शख्स नहीं बोला, लोग बोले तो अपनी पार्टी के, जो कुछ कहा अपने चन्द भाइयों ने कहा । मैं तो जम्हूरियत की कद्र करता हूं, मुझे इस से क्या नाराजगी हो सकती है ? अगर आज मेरे भाई अचित राम जी कुछ कहते हैं तो अपना समझ कर कहते हैं, अगर प्रोफेसर दीवान चन्द शर्मा कुछ जोर से बोलते हैं तो चूंकि उन के दिल में एक दर्द होता है इसलिये कहते हैं । इस लिये तो नहीं कहते कि उन का कुछ फायदा है, यह तो उन्हीं को मालूम होगा, मुझे नहीं मालूम कि उन का क्लेम क्या है, लाख या दो लाख, लेकिन जिस ने अपनी जिन्दगी डी० ए० वी० कालेज को दी हुई हो उन की जिन्दगी की सारी कमाई इतनी ज्यादा नहीं हो सकती कि उन के पास १८ या ३६ लाख की जायदाद जाने वाली हो । उन के पास कौन चीज जाने वाली है, लेकिन वह समझ रहे थे कि एक चीज जिस का मुल्क पर अच्छा असर हुआ था उस के बजाय गवर्नमेंट कोई ऐसी चीज करने जा रही है जिस से बुरा असर होने वाला है । वह जो कुछ समझ रहे थे, एक भाई की हैसियत से, एक बुजुर्ग की हैसियत से, एक शरणार्थी की

हैसियत से । मैं इस चीज की कद्र करता हूं, लेकिन मैं कहना चाहता हूं कि जो गवर्नमेंट का मकसद नहीं था, वह आप हमारे मुंह में कैसे डाल सकते हैं । उस रूल में वाजेह है कि जो माइनर है वह एक्स्क्लूडेड है, जो लीनिअल डिसेंडेंट है वह एक्स्क्लूडेड है । अब हम ने यह रूल पास किया ।

जब कम्पेन्सेशन रूल पास हुए २६ या २७ सितम्बर को, पहली दफा जब यह बात उठी, ऐडवाइजरी बोर्ड में उठी पिछली १८ या २० अक्तूबर को, मैं ने नहीं उठाई, वहां से एक इशारा आया कि जो रूल बना है उस में कुछ ऐम्बिगुइटी (द्वयर्थकता) है, तकलीफ सी है, इस के माने यह नहीं होते, इस के माने यह होने चाहियें । मेरे पास चिट्ठी आई । मैं ने ला मिनिस्ट्री को कंसल्ट (परामर्श) दिया कि मेरा मकसद तो यह था, उन्होंने कहा कि जो कुछ आप कह रहे हैं वह दुरुस्त है इस रूल के मुताबिक । फाइनेंस मिनिस्ट्री को कंसल्ट किया.....

Pandit Thakur Das Bhargava: Can that advice be placed on the Table of the House? May I request the Minister to kindly place on the Table of the House the advice given by the Law Ministry and the Finance Ministry, that the contention of the hon. Minister was right, and the consistent conduct of the Finance Ministry itself was wrong? He says that the Finance Ministry gave this opinion. We want that their advice may be placed on the Table of the House.

Shri Mehr Chand Khanna: I have made a categorical statement that I have consulted the Ministry of Law and the Ministry of Finance; and that is enough for my purposes. मैं यह अर्ज कर रहा था कि हमारा इंटेंशन क्या है । हमारा इंटेंशन यह था कि हिन्दू ज्वायेंट फैमिली जो कि इन्टेरिम स्कीम में एक यूनिट थी, उसे कंसेशन दिया जाय । हम ने उस को लिबरलाइज़ किया और कंसेशन दिया । मैं खश हूं कि मैं कानून नहीं जानता, पंडित ठाकुर दास ने भी उस के ऊपर खुशी जाहिर की, मैं उन का मश्कूर हूं कि जो कानून बनाने वाले हैं, जिस का यह काम है, जिस मिनिस्ट्री ने यह रूल बनाया है, जिस मिनिस्ट्री ने यह अमेंडमेंट्स भेजे हैं उस ने कहा है कि जो तुम्हारा इंटरप्रेटेशन है, जो तुम्हारे इंस्ट्रक्शन्स हैं, वे बिल्कुल दुरुस्त हैं । मुझे लीगल चीज में जाने की कोई जरूरत नहीं । आखिर गवर्नमेंट का कोई इंटेंशन भी तो होता है । मैं फ्रेजिआलाजी (शब्दावली) में नहीं जाना चाहता, मेरा उस से कोई ताल्लुक नहीं ।

Pandit Thakur Das Bhargava: The Finance Ministry's conduct is there. There is no question of phraseology. The Finance Ministry's consistent interpretation is there.

श्री मेहर चन्द खन्ना : जो कुछ मैं ने पहले कहा था वह भी वही है और जो कुछ आज कह रहा हूं वह भी वही है कि सिर्फ यह बात है कि जब ऐडवाइजरी बोर्ड से इशारा हुआ कि ऐम्बिगुइटी है तो मैं ने कहा कि उसे क्लैरिफाई कर दिया जाय । मैं ने खुद कुछ नहीं कहा । मेरी तरफ से जो कुछ आया वह आप भाइयों की तरफ से आया, ऐडवाइजरी बोर्ड से आया, और आप के कहने के ऊपर मैं ने क्लेरिफिकेशन (स्पष्टीकरण) की है । अब उनकी इच्छा है कि वह मेरी क्लेरिफिकेशन को पसन्द करें या न करें । लेकिन मैं तो गवर्नमेंट की तरफ से यह कह सकता हूं कि जो हमारी इंटेंशन है वह साफ है और हम ने उसको साफ अल्फाज में दर्ज कर दिया है ताकि उसमें किसी किस्म की गलतफहमी न रहे ।

अब बाकी सवाल रह जाता है हमारे भाई अचित राम जी का तथा हमारे डिप्टी स्पीकर का कि एक कमिटी बननी चाहिये । मैं तो यही कह सकता हूं कि कमिटी बनाइये, मुझे कोई इन्कार नहीं है । जो भी चाहे कमिटी को बना सकता है । जिस बड़े नेता को आप मिले हैं, वह मेरे भी नेता हैं, और अगर वह कोई कमिटी

[श्री मेहर चन्द खन्ना]

बनाना चाहते हैं तो बना सकते हैं, मुझे कोई इन्कार नहीं है । लेकिन जहां तक आज की पोजिशन का ताल्लुक है या जो एमेंडमेंट गवर्नमेंट की है, पंडित ठाकुर दास जी की है और हमारे भाई राधा रमण जी की है, वे सब हाउस के सामने हैं और उन सब का आज ही फैसला होना है । बाकी अगर आप इसके लिए कोई कमिटी बनाते हैं और वह इस क्वेस्चन को रिओपन करना चाहती है, तो इसका भी इस हाउस को अख्तियार है । आज एक चीज हो जाए कल दुबारा उस को रिओपन कर लेने का अख्तियार भी इस हाउस को है और मुझे इस से कोई इन्कार नहीं हो सकता । लेकिन जहां तक रिहैबिलिटेशन मिनिस्टरी का ताल्लुक है, मैं साफ अल्फाज में कह चुका हूं कि हमारी इंनटेंशन तो बिल्कुल साफ है और यह इंटेंशन आज भी वही है, जो कि पहले थी ।

इन अल्फाज के साथ मैं अपने भाई ठाकुर दास जी से प्रार्थना करूंगा कि वह अपनी एमेंडमेंट्स को वापिस ले लें और जो राधा रमण जी की अमेंडमेंट है, मैं उस को स्वीकार करने के लिए तैयार हूं । उसका मतलब जो कि ठाकुर दास जी ने दिया है वह नहीं है, उसका मतलब वह है जो कि मैं ने दिया है । हम चाहते हैं कि उस आदमी के, जो कि मर चुका है, जो जा चुका है, खानदान को वही हक़ मिले जो कि उसके जिन्दा होते हुए मिलना था । यह साफ है कि मरे हुए के खानदान को उससे बैटर राइट नहीं मिल सकता जो कि अगर वह जिन्दा होता तो मिलता ।

इन अल्फाज के साथ मैं चाहता हूं कि गवर्नमेंट की जो एमेंडमेंट हैं उसके साथ जो श्री राधा रमण की एमेंडमेंट है उसको यह हाउस एक्सेप्ट कर ले और मैं पंडित ठाकुर दास जी से दरख्वास्त करता हूं कि वह अपनी एमेंडमेंट्स वापस ले लें ।

Mr. Speaker: Shall I put all the motions moved by Pandit Thakur Das Bhargava and Shri D. C. Sharma, together?

Pandit Thakur Das Bhargava: As you like, but I think putting them one by one would be better, because they are on different subjects.

Mr. Speaker: I wanted to know if he was withdrawing them.

I will now put the motions one by one.

The question is:

"This House resolves that in pursuance of sub-section (3) of section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, the following amendment be made in sub-rule (2) of rule 19 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955 as further amended by the Notification No. SRO 1161 dated the 30th April, 1956, laid on the Table on the 21st July, 1956, namely:

omit 'on the 26th September, 1955 (hereinafter referred to as the relevant date)'.

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution."

The motion was negatived.

Mr. Speaker: The question is:

"This House resolves that in pursuance of sub-section (3) of section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, the following amendment be made in sub-rule (3) of rule 19 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955 as further amended by the Notification No. SRO 1161, dated the 30th April, 1956, laid on the Table on the 21st July, 1956, namely:

omit clause (a) (ii).

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution."

The motion was negatived.

Mr. Speaker: The question is:

"This House resolves that in pursuance of sub-section (3) of section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, the following amendment be made in sub-rule (3) of rule 19 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955 as further amended by the Notification No. SRO 1161 dated the 30th April, 1956, laid on the Table on the 21st July, 1956, namely:

omit clause (b).

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution."

The motion was negatived.

Mr. Speaker: The question is:

"This House resolves that in pursuance of sub-section (3) of section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, the following amendment be made in sub-rule (3) of rule 19 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, as further amended by the Notification No. SRO 1161 dated the 30th April, 1956, laid on the Table on the 21st July, 1956, namely:

after clause (b), *insert*:

'(bb) a person who on the relevant date was the mother of a deceased member of the Joint Family shall be included;'.

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution."

The motion was negatived.

Mr. Speaker: The question is:

"This House resolves that in pursuance of sub-section (3) of section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, the following amendment be made in sub-rule (3) of rule 19 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, as further amended by the Notification No. SRO 1161 dated the 30th April, 1956, laid on the Table on the 21st July, 1956, namely:

after clause (c), *add*:

'(d) where the deceased member has left no sons but only a widow such widow shall be regarded for the purposes of this rule as one member of the family.'

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution."

The motion was negatived.

Mr. Speaker: The question is:

"This House resolves that in pursuance of sub-section (3) of section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, the following amendment be made in rule 19 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955 as further amended by the Notification No. SRO 1161 dated the 30th April, 1956, laid on the Table on the 21st July, 1956, namely:

after the Explanation, *add*:

'*Explanation* II.—For the purpose this rule in the case of every undivided Hindu family governed by Mitakshara law a son or grandson and in the absence of sons and grandsons, the widow referred to above in this rule shall be deemed to be entitled to claim partition of the coparcenary property against his father or grandfather or other members of the family as the case may be notwithstanding any text of Hindu Law or custom to the contrary.

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution."

The motion was negatived.

Mr. Speaker: The question is:

"This House resolves that in pursuance of sub-section (3) of section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, for the amendments to Rule 19 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955 made by the Notification No. SRO 1161 dated the 30th April, 1956, laid on the Table on the 21st July, 1956, the following be substituted, namely:

(1) In the proviso to sub-rule (2) of rule 19 *for* 'that in the case referred to in clause (a) none of the members' *substitute*:

'that in the case referred to in clause (a) none of the minimum number of two members and in the case of those members two of them'

(2) In the proviso to sub-rule (2) of rule 19, in part (i), *after* 'is' *insert* 'or are'

(3) *After* sub-rule (2A) of rule 19, *insert*:

'(2B) Where a deceased member of the joint family entitled to claim partition has left sons all of whom are less than 18 years of age such sons shall together be reckoned as one member of the family and where the deceased member has left no sons but only a widow such widow shall be regarded for the purposes of this rule, as one member of the family.'

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution."

The motion was negatived.

Mr. Speaker: The question is:

"This House resolves that in pursuance of sub-section (3) of section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, the following sub-rule be substituted for sub-rule (3) of the rule 19 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, as further amended by the Notification No. SRO 1161 dated the 30th April, 1956, laid on the Table on the 21st July, 1956, namely:

'(3) For the purposes of calculating the number of members of a joint family under sub-rule (2), a person who on the relevant date—

(a) was less than eighteen years of age; or

(b) was a lineal descendant in the male line of another living member of joint family;

shall be excluded:

Provided that where a member of a joint family has died during the period commencing on the fourteenth day of August, 1947, and ending on the relevant date leaving behind on the relevant date all or any of the following heirs, namely:

(a) a widow or widows;

(b) a son or sons (whatever the age of such son or sons);

but no lineal ascendant in the male line, then, all such heirs shall, not withstanding anything contained in this rule, be reckoned as one member of the joint family'.

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution."

The motion was adopted.

GOVERNMENT PREMISES (EVICTION) AMENDMENT BILL

The Minister of Works, Housing and Supply (Sardar Swaran Singh): I beg to move:

"That the Bill further to amend the Government Premises (Evic-

tion) Act, 1950, as reported by the Select Committee, be taken into consideration".

This was a comparatively very brief measure and it was not thought that it would take such a long time as it has actually taken. This Bill, which seeks to introduce two changes in the main Act, was introduced in the Lok Sabha as far back as the 30th August 1954—about two years ago. The motion for consideration of the Bill was moved and discussed in the House on the 16th November 1954, and the Bill was referred to a Select Committee. The Committee held as many as 11 sittings and the Report of the Committee was submitted, and the Bill is now before the House practically in the original form in which it was introduced.

The two changes that are sought to be made relate to two matters. One arose out of a judicial pronouncement that a person who might have originally entered into any government premises as a legal lessee or allottee continues to be so even if that original relationship is terminated. This was the judicial pronouncement of the Bombay High Court. This was never the intention of the legislature, because once that original relationship is determined and terminated, then he comes within the provisions of the Eviction Act and should be summarily liable to ejectment. It is to clarify this intention that this amendment is sought to be made. There has been no controversy so far as this amendment is concerned.

The other amendment, about which there is a Minute of Dissent also, relates to the extension of the principle of the Act to buildings belonging to the Improvement Trust in Delhi. This being a subject with which many of the hon. Members are intimately conversant, and also greatly interested, there has been a very lively interest taken in the provision which is relevant to this extention of the principle of summary eviction and summary realisation of the government dues with regard to the buildings belonging to the Improvement Trust, making it at par with the land and buildings belonging to the Government. I need hardly add that the present provision which applies to government lands and buildings is one which has stood the test of time, and in view of the extensive areas of land belonging to government and a large number of buildings belonging to the Government, it is in the fitness of things that Government should have this power.

With regard to lands belonging to the Improvement Trust, this Act already applies. But so far as buildings belonging to the Improvement Trust are concerned, the original Act was not applicable, and by this amendment it is sought to be made at par with buildings belonging to the Government, so that as regards the buildings belonging to the Improvement Trust also unauthorised occupants may be liable to be dealt with as if those buildings belong to the Government.

While discussing this matter in the Select Committee as also at the time when this Bill was introduced here, a large number of points were raised. I have no intention of going into all those details. But, my respectful contention is that those matters are matters of detail concerning the administration of the Improvement Trust. The essence of those points is that the Improvement Trust having not been able to discharge its functions in a manner which came up to the expectations of the hon. Members this further extension of the power of the Improvement Trust should be denied. I submit that that may be a very pertinent form of criticising the working of a public institution and, I am sure, the observations that have fallen from the lips of hon. Members in the House or in the Select Committee will be given the weight they deserve and all those points will be

[Sardar Swaran Singh]

taken into consideration on the administrative side while giving effect to or implementing the various schemes which might necessitate the eviction of people from buildings belonging to the Improvement Trust.

But, while considering a legislative measure of this type, it would, perhaps, be going a little beyond the scope of the Act to go into the individual schemes or to go into the merits or demerits of each individual case or even a group of cases.

The main plank of criticism has been that certain assurances which had been given by the Mover of the Bill, when it was originally piloted, have not been implemented. There may be differences of opinion which can be sorted out; but Government's contention is that those assurances have been implemented. I do contend that so far as the present Bill is concerned, its scope is extremely limited, namely, the application of the provisions of the Act to the building property belonging to the Improvement Trust. The Improvement Trust is a public organisation functioning under the administrative control of the Delhi State Government under the general guidance and superintendence of the Health Ministry. Being a public body, the Improvement Trust should also enjoy the same rights of summary eviction as are applicable to the case of buildings belonging to Government. Both are practically at par with each other. Being public property, it is in the interests of the general public, it is in the interests of the general taxpayer, it is in the overall interest of everybody concerned that there should be this summary method of dealing with the situation rather than the complicated process of an ordinary civil court. After all, they will exercise this power of eviction only with regard to property of which the Improvement Trust are the lawful owners. They will take this action only against unauthorised occupants. Even if the summary power is not there, it is not that the person who is in unauthorised occupation can continue to hold on to that property. If the Improvement Trust goes to an ordinary civil court, the decree for eviction of the unauthorised occupant is bound to be passed. Is it then in the ultimate interest of even those unauthorised occupants that they should be made to go through this elaborate and intricate process of civil law involving a lot of expenditure and botheration that a regular civil suit involves? Therefore, it is really in the interests not only of the administration, not only of the public institution which, after all, has been established for the general improvement of the lay-out, living conditions, provision of essential services and the like but also, I submit, in the interests of the people concerned that there should be a power of this nature.

Along with this it should be remembered that Government have already given an assurance, that an advisory body will be set up to advise the Delhi Improvement Trust in matters of slum clearance with a view to affording better and cleaner living conditions to the slum dwellers and also for providing alternative accommodation to the persons to be evicted in localities nearabout their present dwellings, as far as possible. With this arrangement for an advisory body functioning, the interest of the unauthorised occupants also requires that there should be a provision of this nature rather than that they should be pushed to a civil court to establish title.

लाला अचित राम (हिसार) : यह एडवाइजरी कमेटी (परामर्शदाता समिति) किसके मातहत होगी।

Sardar Swaran Singh: The Advisory Body will not be subordinate to anybody; it will be advising the Improvement Trust.

The suggestion had been made that there should be statutory provision

for providing alternative accommodation. I submit that to make a provision of that nature open to judicial examination in civil courts will not be a very fair proposition because everything will be held up and nothing will move. It has to be remembered that this process of slum clearance, provision of services, and evicting unauthorised occupants is not a very pleasant job. The original wrong-doing of the individuals is generally forgotten and the popular sympathy is always in favour of the person who is in actual occupation, even though it may be illegal and unauthorised. Therefore, any steps that are taken are generally viewed with very great rigour and the enforcement of normal rights is sought to be thwarted by one clog or the other.

The provision of rehousing tenements, the provision of services and the provision of alternative accommodation are matters which require a great deal of labour, detailed work and the like and they cannot be judicially scrutinised. If once this gate is opened that they are capable of being scrutinised by a civil court, then every scheme will be held up and nothing will really happen. Therefore with this rider that the details of it will be given by my hon. colleague the Health Minister at a suitable opportunity, I submit that this principle that the Bill should be extended to buildings belonging to the Improvement Trust, as reported by the Select Committee, may be accepted.

With these words I commend the motion that I have already moved for the consideration of the House.

5 P.M.

Mr. Speaker: Motion moved:

> "That the Bill further to amend the Government Premises (Eviction) Act, 1950, as reported by the Select Committee, be taken into consideration."

Pandit Thakur Das Bhargava (Gurgaon): May I make a request? We have just heard from the hon. Minister who moved this motion that he is not in a position to give certain details. He has not been able to give us the full picture. If his colleague, the hon. Rajkumari Amrit Kaur, is able to fill the gap it will be better in the interest of a fair debate. What has she, for instance, to say about the Advisory Board and other matters? Otherwise, all the arguments from this side may not be helpful.

Mr. Speaker: The hon. the Health Minister may intervene at this stage. The hon. the mover of this motion will have an opportunity to reply.

Sardar Swaran Singh: I submit, Sir, that so far as the general principle contained in the report of the Select Committee is concerned, Government stand by this assurance. In the light of the observations made by the hon. Members if any clarification is necessary, only then would the Health Minister like to intervene.

Pandit Thakur Das Bhargava: We want to know the full picture of the whole scheme.

Sardar Swaran Singh: I do not know what the hon. Member means by the full picture of the whole scheme. I cannot give details—that this road will be here, or there will be a three-storeyed house or four-storeyed house there and the like. That is a matter of detailed drawing up of the scheme. But the general principle is that in these matters the Improvement Trust will take the advice of an advisory body. This is a matter of principle and once this Bill is approved by the House, then the details about the working of the advisory body and all that can be worked out.

Pandit Thakur Das Bhargava: May I know what is being held back from us? What has the hon. Minister for Health to tell us? After all this is not the Bill of the Health Minister's department; he is only officiating for her Ministry. I want her to give us full details as to what the scheme is, what are the functions of the Board,

[Pandit Thakur Das Bhargava]

etc. Supposing the scheme is satisfactory, the House will be much more satisfied than with the generalisations which we have heard from the hon. Minister. The mere fact of the existence of an advisory board is not sufficient; we must know what the advisory boards are and what their functions will be.

लाला अचित राम : हमने देखा कि यहां पर ऐश्योरेंस दिया गया कि इसके लिए एक कमेटी बनेगी लेकिन दो, तीन वर्ष तक वह कमेटी बन नहीं पाई और जब वह बनी तो उसकी सिफारिशात को नहीं माना जाता है । अब यह चीज साफ हो जानी चाहिए कि कौन कमेटी बनायेगा और कौन उन पर अमल करायेगा और उसके वास्ते क्या मशीनरी होगी, इन सब बातों का हमें पता लगना चाहिए । हम सब मिनिस्ट्रों की इज्जत करते हैं लेकिन हमें लोगों में जो एक मायूसी की भावना है उसको नजरअंदाज नहीं करना चाहिए और वह मायूसी क्यों है और उसको कैसे हटाया जा सकता है, उसके बारे में पता लगाना चाहिए ।

Mr. Speaker: The Health Minister may say what she has to.

The Minister of Health (Rajkumari Amrit Kaur): Mr. Speaker, Sir, perhaps, I may say just a few words now, because to go into minute details is rather difficult.

I would first like to refer to the meetings that were held and the assurances that were given. Now the assurances that were given were that the Delhi Improvement Trust would seek the advice of the citizens of Delhi, those who know where the slum dwellers live and those that are concerned with the refugee population with a view to seeing that in all matters of slum clearance we should be able to afford better living conditions to slum dwellers and that we should provide alternative accommodation to persons who were to be evicted in localities as near as possible to where they are living at present.

May I also submit that at this stage much water has flowed under the bridges since these discussions were held. The Delhi Development Authority has come into being which has already got on it as members, for example, the Development Minister of the Delhi State and others. The Improvement Trust is now not selling any more land. The Chairman of the Improvement Trust is actually Secretary to this authority. All plans of slum clearance, and all plans of further building have got to get the sanction of this body which is a very representative body and has representatives of the Delhi State Administration as well. So that, things are very different now from what they were in the old days.

I wish again to assure Members that nobody will be evicted without alternative accommodation. We never have evicted anybody without alternative accommodation. After all if you have to clear slum areas and there are 10,000 people living where according to standards of health there should only be 5,000, naturally those other 5,000 will have to be removed to another place. You cannot go in for slum clearance, or solve this problem of congestion without a little hardship coming to some people. But, as far as pssible, we will try to give them accommodation where they will be able to earn their livelihood and not suffer monetary loss. I would again say that the Improvement Trust has never broken any of the assurances that were given on the floor of this House. In this Delhi Development Authority, I would like to remind hon. Members, there are three Members of Parliament—Shrimati Subhadra Joshi is there, Shri Nawal Prabhakar is there and Shri Kailash Bihari Lal is there—I think I am right in the three names. So that, Parliament also is well represented on this Committee and they advise us in regard to every step that we take.

I need hardly say that I echo every word of what my hon. colleague the Minister of Works, Housing and Supply has said. We have never intended to break, nor broken any promises; nor will we break them in future. May I also mention that we are both Punjabis and if any anybody's heart aches for the refugees it is the hearts of these two Ministers that ache more than any others. We are not out to disturb or hurt the refugees in any manner and I do hope that with this assurance and the fact that the Improvement Trust being a statutory body of Government should have the same powers as Government for it would be invidious for it not to have these powers, and also the assurance given by me and my hon. colleague, I hope this House will accept this Bill.

Shri Feroze Gandhi (Pratapgarh Distt.—West *cum* Rae Bareli Distt.—East): May I ask a question of the hon. Minister?

I would like to know whether the attention of the hon. Minister has been drawn to a statement made by the hon. Speaker a few days ago when he visited the colony known as the Jumna Bazar where about 10,000 people are living. They have been asked to leave that locality and land in that locality is being sold to rich persons in Delhi. He has drawn the attention of Government to that. Now if these slum areas are going to be developed, and new and better buildings are going to be put up, how is it going to be done? If you are going to sell this land to rich people naturally they will put up palatial houses and residences either for themselves or for rent. What measures are you taking to prevent this happening?

It was said just now that the Improvement Trust does not sell land. Now if the Improvement Trust does not sell land, somebody else sells land. It makes no difference. Who sells the land makes no difference as long as that land is sold. Now when land is sold, naturally the persons to whom it is sold has got a right to build whatever he likes and the people who are living in that locality are asked to go ten or fifteen miles away. It is not a proper thing that persons working in a locality and living there should be asked to move ten or fifteen miles away from where they are living. This is a very serious thing which all of us are facing every now and then. I would like to know if any attention is paid to them.

लाला अचित राम : मैं दो सवाल पूछना चाहता हूं । आप ने फरमाया है कि सिलेक्ट कमेटी की रिपोर्ट के बाद बहुत देर हो गई है—much water has flowed under the bridge. अब एक देहली डेवेलपमेंट प्राविजनल अथारिटी बन गई है । मैं यह जानना चाहता हूं कि क्या इसके बनने के बाद कोई एडवाइज़री बोर्ड बनाने की ज़रूरत है या नहीं ? वह बनाई जायगी या नहीं और वह कब बनेगी ? क्या उस की कोई डेट मुकर्रर की गई है ?

Rajkumari Amrit Kaur: I may refer to the hon. Member's question and say that no land has been sold recently by the Improvement Trust.

Shri Feroze Gandhi: I said that it makes no difference who sells it. If you like, I can give the name of the person to whom it has been sold; it is Bawa Bachittar Singh, a millowner in Delhi.

Rajkumari Amrit Kaur: As far as I know, no land has been sold by us to anybody in that area. To Bawa Bachittar Singh the Improvement Trust has not recently sold any land. As far as building is concerned, there are strict regulations that no building shall go up anywhere without reference to the Delhi Development Provisional Authority. So far as I remember, the land that has been referred to belongs to the Improvement Trust, and if that is so, no sale can have now taken place and has taken place.

[Rajkumari Amrit Kaur]

I am also here to say that nobody is being asked to go ten miles away.

Mr. Speaker: The hon. Minister's attention has been drawn to the fact that six or seven plots have been sold by public auction at Rs. 60 or Rs. 70 per square yard and some persons have built Gita Bhavan and some other Bhavans.

Rajkumari Amrit Kaur: That was not now but a long time ago.

Shri Feroze Gandhi: There is one great difficulty. If we point out something, the Government says that it happened some time ago. Now the people are already staying there, they are dwelling there; what are they to do? Are they to go 15 miles out of town? There are 10,000 people in that area. I think the best thing is that you pay back the money and take the land.

Pandit Thakur Das Bhargava: The Ajmeri Gate people were sent seven miles away to Rameshnagar, Andha Mughal, etc. where there is no means of livelihood for them.

Rajkumari Amrit Kaur: No one will be removed ten miles out; no one will be removed to a place where there is no assurance that they will get their livelihood there. So far as I remember—I have not got the facts and figures with me here—this particular area had been marked out to be kept as an open space, as an open park, and all these people now there have built for themselves these huts in an unauthorised manner. I did ask the matter to be explained to you, Sir, because I understood that you had taken a special interest in the case. These were all unauthorised structures, and we have not dealt harshly with them, and no one has been turned out. These dwellings are very near a crematorium, and in my opinion, a crematorium is a sacred place and should not have this type of dwelling house or any type of building near it. We should have a clear open space in the vicinity of the crematorium. That is the ideal. But I shall be perfectly willing to go into details again in regard to this, and I would like to assure hon. Members that I shall ask some of the refugees themselves or some of the Members that the Parliament may themselves agree on to come and advise me in regard to all these places where refugees live. I shall see to it that the land is not sold.

Shri Feroze Gandhi: Outside the House nobody bothers about us. It is only here.....

Rajkumari Amrit Kaur: I do not catch him.....

Mr. Speaker: The hon. Member says that outside the House, the Members are not cared for, and inside the House.....

The Minister of Defence Organisation (Shri Tyagi): Tens of times I have called the hon. Member and given him tea. (*Interruptions*).

Mr. Speaker: Order, order. When a question was put, the hon. Minister has explained the situation and has suggested to hon. Members that there are a number of slum areas in the capital city, hon. Members may go and visit them and make suggestions to her. She openly says in the House, she gives an assurance, that hon. Members can go round and make their own suggestions which will be considered by her. She has not said the last word about it. She has stated that that is the conclusion to which she has come. Other hon. Members can come and place before her reasonable grounds as to why that particular course ought not to be adopted, and in that case I am sure she will change it.

Rajkumari Amrit Kaur: I would like to give the assurance to my friend, Shri Feroze Gandhi, that if it is a question of any land having been sold to anybody here or there, and rich people are building Bhavans there, I will certainly not allow that. I will consider the question if this has been

done. If necessary, we will acquire the same for the price that was given, and I say with all the emphasis at my command that I will see that the poor are not penalised in any manner. As I said before, I shall ask for confirmation that land has not been recently sold to rich persons and even where plots had been sold earlier, further construction has been stopped under the powers with the D.D.P.A. with a view to seeing that if this land is to be kept is an open space, no building shall be allowed thereon. If it is a question of rich people having taken land, which really should go for construction far poorer people who earn their living there, that matter also will be looked into. I will give this assurance.

Shri Feroze Gandhi: The other assurance I want is that if any of them are removed from the present dwellings, some accommodation will be provided for them, say, within a mile or two and not more than two miles away.

Rajkumari Amrit Kaur: It is not always possible for me to say within a mile or two because the areas are so terribly congested, but I do give the assurance that we do not remove persons unless we feel that they can earn their livelihood in the other place. I suggest that even if they are removed five miles away, I shall see that they get occupation there and that this objection will not be there. But it is not always possible that I can find accommodation within a mile or two People have to go round Delhi as I go round almost once a week to see what the conditions are in which these people live. Nobody knows Delhi better than I do. I am out to clear up the mess and not to create a further mess.

Pandit Thakur Das Bhargava: May I put one question? The hon. Minister has said that it is not possible always to give accommodation within a mile or two. Still I want to know whether those that might have been asked to go away and given other accommodation elsewhere can earn their livelihood there. This is the point. I was the Chairman of the Select Committee and we had occasion to inspect the spots and go into the matter rather deeply. The hon. Minister may place any evidence she has on the Table of the House to show that such persons who were removed could get their livelihood there. I would like to know if there is any such evidence with the hon. Minister. If she can satisfy us on this point, many of the objections will go away, because this is the main objection.

Shri U. M. Trivedi (Chittor): On a point of order, Sir. You were pleased to allow two questions to be put, but then this has developed into a sort of a debate across the Table. It would be really better if we are able to know something. We do not belong to Delhi; we have absolutely no idea of the Advisory Committees. This law is meant for the whole of India. The whole of India is interested, not only the Delhi Improvement Trust.

Sardar A. S. Saigal (Bilaspur): This is for the improvement of Delhi.

Shri U. M. Trivedi: Will the hon. Minister be pleased to read the amendment that has been given in clause 3. Clause 3 says.....

Mr. Speaker: We need not enter into a discussion again. The hon. Member also will have an opportunity to participate in the discussion. As he pointed out, this need not become a question hour once again. Enough questions have been put to the hon. Minister for clarification, and if anything more is to be done, she may have an opportunity to explain one or two matters at the end.

Shri K. K. Basu: (Diamond Harbour): What Pandit Thakur Das Bhargava has asked is very pertinent for this discussion. We want to know how they are removed.

Lala Achint Ram: I put two questions one, whether the Advisory Committee is going to be set up, and another, when it is going to be set up.

Rajkumari Amrit Kaur: Sir, I may say that under this Delhi Development Authority an interim plan has been drawn up and Members of Parliament are going to be given a free view of this plan. This will give them an extremely good idea of how Delhi is to develop, how open spaces are being provided, where they are kept and what provision is to be made for slum clearance.

Now I may give two instances. The slum evictees of Delhi Ajmeri Gate area were removed to Andha Mugal and Karol Bagh. If you see the wretched quarters from where they were removed and see their present premises, you will know that they are happy now. Another scheme is going on under which some of them have been moved to Thilmila Teharpur where further quarters are being constructed. We have also seen to it that they are going to get occupation there.

लाला अचित राम : मेरे सवाल का जवाब नही दिया गया ।

Mr. Speaker: I am not going to allow this kind of questions and cross-question. Is there any hon. Member who wants to speak on this Bill?

Some Hon. Members *rose.*

Mr. Speaker: Shrimati Subhadra Joshi.

श्रीमती सुभद्रा जोशी (करनाल) : बार बार इस बात के बारे में बात चीत होती है, पर कुछ एरियाज ऐसी हैं जहां के लोग बड़ी मुश्किल में हैं । बार बार मैं उसका जिक्र कर चुकी हूं, पर उस का कोई फैसला नहीं हुआ । उन में से एक एरिया है जमुना बाजार की । ऐडवाइजरी कमेटी (मंत्रणाकार समिति) थी उस में यह कहा गया कि जमुना बाजार एरिया में कोई बिल्डिंग नहीं बनेगी क्योंकि हम ने कहा कि अगर किसी को भी वह जगह देनी है तो वहां के जो लोग हैं उनको प्रायरिटी (प्राथमिकता) देनी चाहिये । जब वहां कुछ मकान बने, एक या दो, तो कहा गया कि वहां कोई बिल्डिंग नहीं बनेगी और जो जमीन दे दी गई है वह वापस ले ली जायेगी, और जो मकान बने हैं वह गिरा दिये जायेंगे । मैं ने उस वक्त भी कहा कि यह मुमकिन नहीं है कि जो गरीब आदमी हैं उन को वहां से उठा दिया जाय और वहां से कहीं दूर पर फेंक दिया जाय । लेकिन गवर्नमेंट फैसला कर चुकी है कि जो मकान बन गये हैं उन को गिरा दिया जायेगा, तीन मंजिला मकान वहां खत्म किये जायेंगे । बड़े बड़े आदमियों को जिन को जमीन दे दी गई, कोई मकान उनका गिराया नहीं गया । कोई जमीन वापस नहीं ली गई , और जो गरीब आदमी वहां पर बैठे हैं, जो मकान बनाना चाहते हैं, और बना रहे हैं, वह लोग हर मिनट इस इन्तजार में हैं कि कब उन को उठा कर बाहर फेंक दिया जाय । इस लिये मैं आपसे कहती हूं कि जो ऐश्योरेंश था अगर उस का आधा हिस्सा अमल में लाया जाय और आधा हिस्सा फाइनैन्सज (वित्त) की दिक्कत से या और किसी दिक्कत से अमल में न लाया जाय तो इस से गरीब आदमियों का भी दिल दुखता है और बड़ी नाइन्साफी होती है । लेकिन जो कुछ मैं ने कहा और प्रार्थना की, अगर वह मुमकिन नहीं है तो कम से कम उन आदमियों को जहां ले जाया जाय, वहां कोई पार्लियामेंट (संसद्) का मेम्बर (सदस्य) जा कर देख ले । अगर वह कह दे कि वहां उन लोगों को रोजगार मिल सकता है, तो मुझे कोई ऐतराज नहीं । मैं ने पार्टी व्हिप् को ले जा कर दिखलाया, मैं ने अखबार में पढ़ा था कि हमारे स्पीकर साहब यमुना बाजार को देख आये हैं । मैं चाहती हूं कि वह जा कर यह भी देखें कि उन गरीब लोगों को कहां बसाया जा रहा है । फिर यह कहा गया कि इस मामले पर गौर किया जा रहा है, और वहां पर मकान उसी तरह से तेजी से बनते जा रहे हैं, इस पर कोई जवाब नहीं दिया गया । वहां के लोग

बहुत परेशान हैं, इस लिये मैं प्रार्थना करूंगी कि वह इसी इन्तजार में बैठे हुये हैं कि कब उन को पुलिस उठाने आये । पहले इस बात का फैसला होना चाहिये कि वहां पर जा कर वह कुछ काम कर सकते हैं या नहीं ।

Shri U. M. Trivedi: We have heard the discussions that went on between the Ministers and several of the hon. Members interested in this subject. I for one have felt one thing. After reading this Bill, I was wondering whether this was meant only for Delhi or a Bill seeking to amend the Government of India Act of 1950. It is in my opinion a very mischevious Bill and, although the concentration has been on Delhi yet it has got far-reaching effects.

It is true, at one place in clause 4 it is mentioned that it shall apply in relation to the State of Delhi and to the premises vested in the Delhi Improvement Trust. But that is not the end of it. The discussion about the Advisory Committee, which we find mentioned in the proceedings of one of the sittings of the Select Committee, does not find any place whatsoever in the amendment that is being put before the House.

What I find, and which I want to place before you, is this. The definition of "public premises" is what in ordinary logic amounts to saying that the Government is trying to blow hot and cold in the same breath. The definition lays down that whatever has been requisitioned by the Government or has been taken on lease by the Government shall be treated as public premises. Also, whatever is let out by the Delhi Improvement Trust will be treated as public premises. I cannot conceive of an idea that what has been let out by the Delhi Improvement Trust will be treated as public premises, but nothing is mentioned about the public premises as such; that is to say, those premises which have been requisitioned by the Government.

Then we again provide another thing. If these premises are sublet, then the definition of 'unauthorised occupation' is a peculiar one passing over ordinary conception of law. In one breath we are trying to do away with all the principles of the Transfer of Property Act. The ordinary law, the Transfer of Property Act, provides that you must give notice of this thing and the notice must at least expire in the period of the tenancy, or that the notice must be for a particular period or a particular length of time. All that has been thrown to the wind and it has been put down:

> "(e) 'unauthorised occupation', in relation to any person authorised to occupy any public premises, includes the continuance in occupation by him of the premises after the authority under which he was allowed to occupy the premises has been duly determined."

Either the Government or the Select Committee ought to have changed the words: 'unauthorised occupation'. The wording ought to be: 'somebody continuing on occupation after the termination of his period of tenancy". But here, how can it be called an unauthorised occupation? I cannot conceive that position. Once you authorise a particular person to occupy a particular premises, he is the authorised person to occupy it. He may continue even after termination of his tenancy, but you cannot call it an authorised occupation. You are giving him notice of this by post, which may or may not be received. The postal service is the only service and the service that is to be done here can be given by post. Somebody may forge or somebody may manipulate. Many things are going on in this Development Trust. I have been receiving so many complaints about the Delhi Improvement Trust. One gets fed up with it.

There are some peculiar rules for this Delhi Improvement Trust. If an honest man wants to make any change in the house, he is not allowed to make any. Even a jali or a jaffery is not allowed to be put. He is asked to keep the space open for stray

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dogs and stray cattle which can go and settle there. But if a dishonest man does not want to take any permission whatsoever, he is allowed to do anything and the man interested pockets Rs. 10 to Rs. 50. Then the rule says, if it is proved that the unauthorised construction has been there for six months, nobody can do anything. The dishonest man goes free and the honest man who wants to go according to the law is let down and is harassed in manner beyond control. That is what is going to happen in this law if you are going to make this change in this law. You are giving a notice of 15 days for the termination of the tenancy of the person who is in unauthorised occupation. That person never receives the notice. Nobody knows whether he has received the notice but the authorities go out with the whole police force and make the person vacate the building. The Act says that "if any person refuses or fails to comply with an order made under sub-section (1), the competent authority may evict that person from, and take possession of, the Government premises and may for that purpose use such force as may be necessary". The mighty Government is in possession of the police force. Already, the people are much afraid of the police. Yet, the Government will send a posse of ten constables and they will throw the luggage into the streets and get possession of the premises. Ordinarily, there ought not to be any difference between the Government and the citizen of India. If the citizen of India cannot get his premises vacated or cannot be evicted from his premises under the law, then, I would most emphatically say that the Government also shall not have power to evict a person. Of course, if there is an emergency, I can understand. But here, there is no question of any emergency. You are making a law for the benefit of yourselves. You want to drive an extra benefit on account of the fact that the Government has the power The Government should be placed on a par with the ordinary citizen. Why should the Government take so much power on their hands? You are giving notice, a notice which may or not be served. There is no proof of having served that notice. No due process of law is followed and the ordinary conception of law is not understood. You simply send a notice. Somebody might have signed it. Some mischievous person might get it signed and somebody would manoeuvre it and ultimately you say that the person must vacate the premises. You are driving out the person in this way. This is too much.

For these reasons, I submit that the new definition of 'unauthorised occupation' is what I call a mischievous provision of law. This is only for the benefit of the Government and it will only encourage corruption and nothing else. It will do a good deal of harassment to the public at large and it will not help the people except that it may bring a bad name to the State.

Mr. Speaker: We are not discussing the whole Bill in general. This is only an amending Bill. The scope is limited.

Shri U. M. Trivedi: I was humbly going to submit that the words 'unauthorised occupation' have been defined in relation to any person authorised to occupy any public premises. I think the hon. Minister referred to the judgment of the Bombay High Court in this connection. I say that this 'unauthorised occupation' is a very mischievous provision of law. With the powers vested in the Government, once these words 'unauthorised occupation' are interpreted in the manner suggested in the definition and are enlarged to the extent suggested in this Bill, the provision runs like this:

In the Bill as it stands now, the provision runs like this:

> "3 (b) that any person is in unauthorised occupation of any Government premises."

There, the words 'unauthorised occupation' were not defined. The interpretation that has been put by the courts, and as you yourself as a lawyer may know, is to the effect that 'unauthorised occupation' means 'not authorised'. That means, the person concerned must be a trespasser, *ab initio*. But here, it is not a question of a trespasser.

Mr. Speaker: What does the hon. Member suggest? If a man is allowed to occupy for a couple of months or three months or even, say, for a year, and then the Government terminate the lease, is not the continued occupation an unauthorised occupation? What else can be done in this matter? *ab initio*, it may be all right for a time.

Shri U. M. Trivedi: Yes; you know the law. There is no doubt that he is in authoriser possession *ab intio*. But the question here is, they must follow a regular procedure of law. Do not stretch the meaning of 'unauthorised' or 'authorised'. If you say that tenancy shall be terminated in a regular manner and then the person can be evicted, I would agree to that. But, if you put the definition of 'unauthorised occupation' not in the ordinary gramatical sense but in a sense which is quite different from what the term ordinarily means, and then, if you give the power to the Government to evict the person just by giving 15 days' notice by ordinary post—not even by registered post—I say that it would not be proper. Giving just a notice in writing will create mischief. I submit that this thing must be guarded against. The citizens of this country must be protected against such mischief. As legislators of this country, we are in duty bound to protect the interests of the citizens. This power cannot be given to the Government since it will injure the interests of the public at large.

Mr. Speaker: Cannot rules be framed to ensure that the person without proper notice ought not to be evicted?

Shri U. M. Trivedi: But the Act provides differently. That is the difficulty.

Mr. Speaker: Government must have the right to determine the procedure.

Shri K. K. Basu: The executive has the powers.

Shri U. M. Trivedi: The executive authority has been given the full rights. That is what I say. The Act says:

> "the competent authority may, by notice served by post or otherwise, order that that person as well as any other person who may be in occupation of the whole or any part of the premises, shall vacate them within fifteen days of the date of the service of the notice."

So, if what you have suggested is provided for, then we shall all agree. When Government really need the premises, they should not be jeopardised in anyway, but, at the same time, in its attempt to get some premises, it should not be high-handed or exercise arbitrary powers to as to deprive the ordinary citizen of the ordinary protection of law that is granted to him under our Constitution.

Shri D. C. Sharma (Hoshiarpur): Can we not change that "shall" into "will"?

Shri U. M. Trivedi: This is not like a professor taking a class here!

So, if we want to make an amendment, my humble submission would be this. We should not just focus our attention to Delhi alone and say that it will apply only to the State of Delhi for a particular purpose. It will apply to the whole of India, and therefore, I would say that the Select Committee has not done the proper thing in restricting it only to the Delhi people and the refugees. Perhaps the Members of the Select Committee were obsessed with the idea that this would be applicable only to

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the Delhi people and the refugees. But then the definition is an overall definition covering the Government premises all over India and making them public premises. Thus, any house which the Government may requisition or lease will automatically become public premises, and the irony of fate will be that people all over India will be put to trouble by this measure.

Shri N. B. Chowdhury (Ghatal): While moving the motion for consideration of the Bill as reported by the Select Committee, the hon. Minister characterised the Bill as a simple, short and innocuous one. It is clear from the feelings already expressed by the hon. Members that the Bill is not actually a simple and innocuous one but is a Bill of serious consequences to the people who are likely to be affected by it.

Before I pass on to the consideration of the provisions of this Bill, I would like to say a few words about the report of the Select Committee. From the report of the Chairman of the Select Committee, it appears that although the Bill was referred to the Committee on the 16th November, 1954, it took about eight months, and the report was submitted to this House on the 31st August, 1955. During this period, the Members of the Committee went to the various places in Delhi. They went to the Jhandewalan area where the refugees have colonised themselves. They went to the Delhi-Ajmere Gate area where the slums exist. They saw the actual conditions and continued their deliberations for such a long time; still, I find that not a single word has been changed by the Select Committee's report on the Bill, except two items, namely, 'sixth year' and '1955'. These are the two items which are underlined in the Bill as reported upon by the Select Committee. When there were so many eminent Members on the Select Committee and when they took such a long time, and when they have actually seen to the conditions of the slums, we expected that they would introduce certain welcome changes. Whenever a Bill is referred to the Select Committee and particularly when a Bill relates to such controversial topics, we naturally expect that the basic defects in the Bill should have been dealt with. But unfortunately we have to regret that there is no such change, and apparently there is no statutory provision made in the Bill so as to allay the fears of the people who are likely to be affected by this measure. The scope of the definition has been expanded. It has been said that as a result of the decisions of some courts, it was necessary to have this change and by using the words "public premises", they would now be in a position to effect summary eviction of persons without any notice. As for the unauthorised occupation, the point has been very ably dealt with by the eminent lawyer who preceded me and I need not dwell at length on it. The main thing here is human consideration. Everybody would agree that there should be clearance of slums and that our cities should be planned better and be full of decent houses. Even the people who were living in the slums were certainly not happy. Who would like to live in dirt and squalor? Those people living there are trying to clean the slums. It is not a question of preventing decent houses springing up in place of these hovels; but, it is a question of life and death for these poor people who have been leading a miserable existence for so many years.

We are giving such wide powers to the Government and other bodies like the Delhi Improvement Trust. We know the history of the Delhi Improvement Trust. Whatever the hon. Health Minister may say in its defence, we have got the report of the Birla Committee; we know that for a petty amount lands were taken and huge profits were made by selling them at exorbitant rates. This

is a matter of history on record and we cannot forget this. Not only this; but we have also the recent experience of how the Improvement Trust evicted the people and removed them to places so many miles away, thus depriving them of their professions. When we are in possession of these facts, how can the Government expect us to accept the Bill as it is without certain amendments for removing the likely dangers for the people who will be affected? So, instead of some vague assurance from the Minister which may not be honoured, there must be some statutory provision in the Bill itself. Something has been said about some advisory committee. We do not know its actual composition and the exact manner in which it will function; those details are not yet available. We wanted certain information as to what actually has been done by way of providing alternate accommodation to those people at short distances, so that they would be in a position to eke their livelihood; but those details have not yet been supplied to the satisfaction of this House. Under these circumstances, we will not be in a position to accept this Bill as it is.

There are certain areas such as the Jamna Bazar, Ajmere Gate etc., to which reference has been made, and where the conditions of the people are very miserable. Unless Government take sufficient precautions by way of providing alternate accommodation at places from which they can come to the city and carry on their professional work, they would be in a very great difficulty. So, we must be sure that actually steps would be taken to see to it that these people are not thrown into the streets. We must remember that these people—the artisans, the cobblers and the masons—were responsible for building this city. It was the masons who built the places brick by brick. Now, when we are going to have skyscrapers and magnificient buildings in the city, when the Government has announced a socialist pattern of society as its goal, how is it that they now bring forward legal arguments? The hon. Minister stands up and says these people were occupying certain houses rather illegally; originally they were squatting on those places and all that sort of thing. My submission is that the question must be considered in a different way. Those people were rendering useful service to the dwellers of the city, but they had no houses, because the lands were all grabbed by a few people in the city. Under those conditions, they were forced to occupy those places. You must take into consideration the human aspects of the problem. When you announce to the world that you are going to work for a socialist pattern of society, certainly the responsibility devolves on you to see that those people are not summarily evicted, as provided here.

Power is sought to be given to the Delhi Improvement Trust and any other body which may be constituted. It has already been pointed out that the provisions of the Act do not apply to Delhi alone, but to other places as well. I see the hon. Minister shaking his head. I may inform the House that trouble has arisen not only in Delhi, but in Calcutta also. In Calcutta they wanted to remove some slums in a reckless manner; but the people resisted and ultimately it had to be postponed for some time. Although we welcome slum clearance and the provisions in the second Five Year Plan in this regard, we must not make a beginning like this. This is not the way in which the work is to be started. If there is to be real town-planning and if decent houses are to be built in cities and towns, certainly we have to do it in a human way and in a more sympathetic way, keeping all these things in mind.

So far as Delhi is concerned, the Government would do well to constitute a Central authority of their own and not rely on a body like the Delhi Improvement Trust. They should themselves undertake the responsibility of developing the city, clearing the slums and building new houses. At the same time, Govern-

[Shri N. B. Chowdhury]

ment should give an assurance to the people who will be affected that they would be allowed to come back and live in those houses later on. For the time being, they may be provided with alternate accommodation and conditions should be created in which they may not find any difficulty in earning their livelihood. Only after such an arrangement is made and some amendment to this Bill is accepted whereby some statutory provision would be made with regard to the procedure by which any change will be made or people will be provided alternate accommodation according to the due processes of law, we can agree to this measure. Otherwise, as the Bill stands today, it is not acceptable and as such we are opposed to this Bill.

लाला अचित राम : इस बिल के मुताल्लिक बोलते वक्त मेरे दिल पर यह असर हुआ कि दो मिनिस्टर साहबान जिनका कि इस बिल से ताल्लुक है और जिनके लिए कि मेरे दिल में बड़ी इज्जत है क्या कहूं और क्या न कहूं, क्योंकि उनके मुताल्लिक ही मुझे इस मौके पर अर्ज करना है और मुझे बैलेंस करना पड़ रहा है कि क्या कहूं और क्या न कहूं सच बोलूं और कुछ कहूं या चुप लगा जाऊं लेकिन मजबूर होकर कुछ तो कहना ही पड़ता है ।

अभी सवाल तो यह दरपेश है कि देहली कि जो एम्प्रूवमेंट एथारिटी (सुधार प्राधिकार) है उसको जो पावर्स दी जा रही हैं वह पावर्स उनको दी जानी चाहियें कि नहीं दी जानी चाहियें । अब चूंकि अपनी गवर्नमेंट है और वह अगर पावर्स मांगे तो यह कुछ अच्छा नहीं मालूम पड़ता कि हम उसमें कुछ हील हुज्जत करें लेकिन क्या किया जाय लाचारी है और हमारी मसल तो वही बन रही है कि दूध का जला छाछ फूंक फूंक कर पीता है । अभी मिनिस्टर साहब ने दलील दी कि यह पावर्स जिनके बरखिलाफ इस्तेमाल की जायेंगी, वे उनके भले के लिए हैं । अब यह दलील उनकी ठीक हो भी सकती है लेकिन यह कैसे मानी जा सकती है । यह तो वही दलील देना हुआ कि एक आदमी जिसको कि फांसी की सजा हो चुकी है उसके वास्ते कहा जाय कि उसको आगे सैशन जज (सत्र न्यायाधीश) और हाईकोर्ट (उच्चन्यायालय) में अपील करने का हक न हो क्योंकि बेकार में वक्त और रुपया दोनों उसका बर्बाद होगा और इस वास्ते फौरन उसको फांसी की सजा दे दी जाय और मैं समझता हूं कि समरी पावर्स (संक्षिप्त शक्तियां) अच्छी हैं, इस दलील को कोई कबूल नहीं कर सकता । अपील करने में चाहे उसको मुसीबत क्यों न आये और खर्चा भी करना पड़े, इस समरी पावर्स की दलील को अच्छा नहीं समझ सकता और इस वास्ते इस दलील को कबूल करना मुश्किल पड़ रहा है । कबूल तो उनको पांच मिनट बाद हो ही जाना है और आज नहीं तो कल वे कबूल कर ली जायेंगी और हम सब उसके लिए अपने हाथ उठा देंगे और वह बिल यहां हाउस से पास हो जायगी लेकिन उसके साथ ही हम अपने मिनिस्ट्रों को जिनके लिए कि हमारे दिल में बड़ी इज्जत है यह बतला देना चाहते हैं कि हम क्यों इस पर ऐतराज उठाते हैं । हमारे गाडगिल साहब ने यहीं हाउस में वायदे किये और हमें उनके मुताल्लिक पूरा भरोसा था कि वे अपना वायदा पूरा करेंगे और उन्होंने हाउस में यह ऐलान किया कि वे अपने हर एक वर्ड को औनर करेंगे लेकिन उस ऐलान के दूसरे ही दिन हमने देखा कि मकानात गिरना शुरू हो गये । हम गाडगिले साहब के पास गये और उनसे कहा तो वे बोल कि हम ठीक कर देंगे लेकिन हमने देखा कि वह १०, २० दिन तक नहीं हो पाया और मामला लटकता रहा लेकिन चूंकि एलेक्शन नजदीक थे इसलिए डिमौलिशन का काम उस वक्त आगे के लिए रोक दिया गया ।

पटेलनगर में जो मकानात तोड़े गये उनके रहने वालों को माकूल आलटरनेटिव एकोमोडेशन (वैकल्पिक आवास) का क्या

इंतजाम किया गया और उसके बारे में हमें बहुत तल्ख तजुर्बा है ।

अभी मिनिस्टर साहब ने फ़रमाया कि गवर्नमेंट की तरफ से जो ऐश्योरेंसेज़ दिये गये थे उनको तोड़ा नहीं गया है । अब मैं आपको बतलाऊं कि यहां पर हमारे भूतपूर्व मावलंकर साहब के हुक्म से एक ऐश्योरेंस कमेटी बनी थी और उस कमेटी ने इस बात की जांच पड़ताल की कि यहां हाउस में गवर्नमेंट द्वारा जो वायदे किये गये थे उन पर अमल हुआ या नहीं हुआ । वह कमेटी आपके हुक्म से बनी, आपकी मर्जी के मुताबिक़ बनी और उसने इसकी जांच करके अपनी रिपोर्ट पेश की और उसने अपनी रिपोर्ट में साफ तौर से इस बात को कहा कि ऐश्योरेंसेज़ (आश्वासन) को तोड़ा गया और उन पर अमल नहीं हुआ । मैं तो उस कमेटी में नहीं था लेकिन मुझे भी इस बात में कोई शुबहा नहीं है कि ऐश्योरेंसेज को तोड़ा गया ।. . . .पटेल नगर के अन्दर बने हुए मकानों को गिराया गया. . .

राजकुमारी अमृत कौर : मेरे डिपार्टमेंट ने कोई मकान नहीं गिराये । उनको इम्प्रूवमेंट ट्रस्ट ने ही गिराया ।

लाला अचित राम : मैं इस में कोई फ़र्क नहीं देखता कि किस मुहकमे ने उसको गिराया, आखिर सब सरकारी मुहकमे भाई भाई हैं ।

अभी हमारे मिनिस्टर साहब ने फरमाया कि जो हम आपको ऐश्योरेंसेज़ देंगे उन पर हम क़ायम रहेंगे । अभी सरदार साहब ने कहा कि हम ऐडवाइज़री कमेटी बनायेंगे लेकिन अभी थोड़ी देर ही पहले मैंने आपको बतलाया था कि ऐश्योरेंस कमेटी (आश्वासन समिति) जिसको कि बनाने की बात थी वह महीने दो महीने नहीं बल्कि पूरे दो, तीन साल तक अमली रूप में सामने नहीं आई और उसके बाद चार साल गुज़र गये तब मुझे नोटिस आया कि आप कमेटी के मेम्बर हैं । अब उनसे पूछा जाय कि चार साल तक वे कहां रहे तो वे फरमायेंगे कि आपके बगैर काम चलता ही रहा, तो इस तरह की बातें वहां पर चलती हैं । आपका एक शब्द यह कह देना कि यमुना के नीचे से बहुत सा पानी गुज़र चुका है और अब तो देहली इम्प्रूवमेंट एथारिटी (सुधार प्राधिकार) बन गई है मुझे दिलासा नहीं दे सका क्योंकि हमारा पिछला तजुर्बा इस बारे में बहुत मायूसकुन रहा है और हमारी राजकुमारी जी ने और तो सब बातें बतलाईं लेकिन इस बारे में साफ साफ नहीं बतलाया कि कमेटी बनेगी या नहीं बनेगी और अगर बनेगी तो कब बनेगी । केवल यह कहा है कि हां एक कमेटी बनेगी और मैं उनके इस ऐलान का स्वागत करता हूं लेकिन मैं चाहता हूं कि उसके लिए आप कोई तारीख तो मुकर्रर करें कि दस दिन में या बीस दिन में वह कमेटी बन जायगी ।

यह चन्द बातें मुझे अर्ज़ करनी थीं । मुश्किल की बात तो यह है कि जिन मिनिस्टर साहबान के खिलाफ मैं बोलने पर मजबूर हुआ वे हमारे बुजुर्ग हैं और उनके लिए हमारे दिल में बड़ी इज्जत है और हम बड़ी मुसीबत में पड़ जाते हैं कि क्या कहें और क्या न कहें । अधिक न कह कर मैं उन से यही निवेदन करूंगा कि हम लोगों की दशा दूध का जला जैसे छाछ फूंक फूंक कर पीता है, वैसी हो रही है । मैं यह मानता हूं कि आपकी बात देखने में तो बहुत स्वागत योग्य है और मीठी है लेकिन फिर हमारे दिल में शक होने लगता है कि कहीं पहले की तरह इन ऐश्योरेंसेज़ को भी तोड़ न दिया जाय । इसलिए कृपा करके हम जो आप पर विश्वास करने जा रहे हैं उसको किसी तरह से आंच न आने दीजियेगा और उन पर कायम रहियेगा ।

Mr. Speaker: I think we will be able to finish it in an hour.

Pandit Thakur Das Bhargava: This will take more time as it is a controversial subject.

Mr. Speaker: I have heard almost all members except Pandit Bhargava.

Pandit Thakur Das Bhargava: I have spoken on this matter twice before. I will take more than an hour. I will give you full facts and I will not repeat what others have said.

Mr. Speaker: The very fact that he has taken two hours indicates that he will not take much time now.

Shri D. C. Sharma: Others also want to speak.

Mr. Speaker: Then we must have six hours for this.

Sardar Swaran Singh: Some members on this side also want to speak.

Mr. Speaker: I am allowing every hon. Member to speak. But if every hon. Member takes more than 10—15 minutes, I will have to allot ten hours. But I do not want to hustle any hon. Member. This is a beaten track and again and again reference is made to the same thing. Only three or four more members are interested in this matter.

Shri M. K. Moitra (Calcutta—North-West): An hon. Member of this House has opposed the granting of wide powers to the Government or the Delhi Improvement Trust for ejecting people. He has suggested that the law should take its own course. But when law is allowed to take its own course, it must follow certain principles. Here I have got the Second Five Year Plan where principles for clearing slums have been laid down. These principles clearly state as follows—(it is mentioned on page 562 of the book)—

> "The scheme is based on two main principles. The first principle is that there should be the minimum dislocation of slum dwellers and the effort should be to rehouse them as far as possible at or near the existing sites of slums so that they may not be uprooted from their fields of employment. The second principle is that in order to keep rents within the paying capacity of the slum dwellers, greater emphasis should be on the provision of minimum standards of environmental hygiene and essential civic amenities rather than on the construction of elaborate structures."

These are the principles that have been laid down.

Mr. Speaker: As it is six o'clock now, the hon. Member can continue his speech tomorrow.

6 P.M.

The Lok Sabha then adjourned till Eleven of the Clock on Thursday, the 23rd August, 1956.

COLUMNS

MINUTES OF RULES COMMITTEE LAID ON THE TABLE 3915

Minutes of sitting of Rules Committee held on the 7th August 1956, were laid on the Table.

PAPER LAID ON THE TABLE 3916

Draft Mining Leases (Modification of terms) Rules 1956 were laid on the Table.

REPORT OF COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS PRESENTED 3916

Fifty-ninth Report was presented.

PETITION PRESENTED . . 3917

Shri Viswanatha Reddy presented a petition signed by a petitioner in respect of the Motor Vehicle Act and Rules framed thereunder.

DETENTION OF A MEMBER 3915
3917—20

The Speaker informed Lok Sabha that he had received a letter dated the 18th August, 1956 from the Judicial Magistrate, First Class, Second Court, Ahmedabad saying that Shri A. K. Gopalan, Member, Lok Sabha, was arrested on 17th August, 1956, on the allegation that he committed offences punishable under sections 143 I.P.C. and 180 I.P.C.

COLUMNS

DEMANDS FOR EXCESS GRANTS, 1951-52 . . 3920—3956

Discussion on Demands for Excess Grants, 1951-52 was taken up and the Demands were voted in full.

MOTIONS *Re*: DISPLACED PERSONS (COMPENSATION AND REHABILITATION) RULES . . . . . 3957—4050

Further discussion on motions regarding modification of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955 as further amended by Notification No. S.R.O. 1161, dated the 30th April, 1956 was continued. The discussion was concluded and Shri Radha Raman's motion was adopted.

BILL UNDER CONSIDERATION . . . . . 4050—82

The Minister of Works, Housing and Supply (Sardar Swaran Singh) moved for the consideration of the Government Premises (Eviction) Amendment Bill, as reported by the Select Committee. The discussion was not concluded.

AGENDA FOR THURSDAY, 23RD AUGUST, 1956—

Further Discussion on the Government Premises (Eviction) Amendment Bill, as reported by the Select Committee and discussion on situation in Naga Hills.